

ARTS, HUMANITIES, AND MUSEUM SERVICES
AMENDMENTS OF 1995

JUNE 29, 1995.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. GOODLING, from the Committee on Economic and Educational
Opportunities, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 1557]

[Including cost estimate of the Congressional Budget Office]

The Committee on Economic and Educational Opportunities, to whom was referred the bill (H.R. 1557) to authorize appropriations for fiscal years 1996, 1997, and 1998 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum Services; and to repeal the National Foundation on the Arts and the Humanities Act of 1965 effective October 1, 1998, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Arts, Humanities, and Museum Services Amendments of 1995”.

SEC. 2. FINDINGS AND PURPOSES.

Section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951) is amended—

(1) by striking paragraphs (2) through (12), and

(2) by inserting after paragraph (1) the following:

“(2) The encouragement and support of national progress and scholarship in the arts and the humanities is primarily a matter for private and local initiative.”.

SEC. 3. AMENDMENTS RELATING TO THE NATIONAL ENDOWMENT FOR THE ARTS.

Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954) is amended—

- (1) in the first sentence of subsection (b)(2) by striking “four” and inserting “3”;
- (2) by striking subsections (c), (e), (j), (m), and (n),
- (3) in subsection (d) by striking “this section” each place it appears and inserting “subsection (k)(1)”,
- (4) in subsection (g)—
 - (A) in paragraph (1) by striking “supporting” and all that follows through “section 5(c) of this Act.”, and inserting the following:

“supporting—

“(A) projects and productions which have substantial national or international artistic and cultural significance, giving emphasis to American creativity and cultural diversity and to the maintenance and encouragement of professional excellence;

“(B) projects and productions, meeting professional standards of authenticity or tradition, irrespective of origin, which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens for geographic or economic reasons;

“(C) projects and productions that will encourage and assist artists and enable them to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or to achieve standards of professional excellence;

“(D) projects and productions which have substantial artistic and cultural significance and that reach, or reflect the culture of, a minority, inner city, rural, or tribal community;

“(E) projects and productions that will encourage public knowledge, education, understanding, and appreciation of the arts;

“(F) workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens;

“(G) programs for the arts at the local level;

“(H) projects that enhance managerial and organizational skills and capabilities; and

“(I) projects, productions, and workshops of the kinds described in subparagraphs (A) through (H) through film, radio, video, and similar media, for the purpose of broadening public access to the arts;”, and
 - (B) in paragraph (2)(B) by striking “subsection (c)” and inserting “paragraph (1)”,
 - (C) in paragraph (3)(B) by adding a semicolon at the end, and
 - (D) in paragraph (5) by striking “section 5(c)” and inserting “subsection (k)(1)”,
- (5) in subsection (h)—
 - (A) by striking paragraph (1),
 - (B) by striking “group or” each place it appears, and
 - (C) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively,
- (6) in subsection (j)(1) by striking “Endowment;” and inserting “Endowment.”,
- (7) in subsection (o) by striking “subsection (c)” and inserting “section 5(k)(1)”,
- (8) in subsection (p)—
 - (A) in paragraph (1)(D)—
 - (i) by striking clause (i), and
 - (ii) by redesignating clauses (ii) through (v) as clauses (i) through (iv), respectively,
 - (B) in paragraph (2)—
 - (i) by striking “(A)” after “(2)”,
 - (ii) by striking subparagraphs (B) and (C),
 - (iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and
 - (iv) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively,
 - (C) by amending paragraph (3) to read as follows:

“(3)(A) The total amount of any payment made under paragraph (1) for a program or project may not exceed 25 percent of the cost of such program or project.

“(B) The total amount of any payment made under paragraph (2) for a program or project may not exceed 50 percent of the cost of such program or project.”, and
 - (D) in paragraph (4) by striking “subsection (c) and”,

- (9) in subsection (q) by striking “subsection (g)” and inserting “subsection (e)”, and
- (10) by redesignating subsections (d), (f), (g), (h), (i), (k), (l), (o), (p), and (q) as subsections (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively.

SEC. 4. AMENDMENTS RELATING TO THE NATIONAL COUNCIL ON THE ARTS.

Section 6(f) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(f)) is amended—

- (1) in paragraph (1) by striking “subsections (c) and (p) of section 5” and inserting “section 5(k)”, and
- (2) in the matter following paragraph (2), by striking “, except that the Chairperson” and all that follows through “section 11(a)”.

SEC. 5. AMENDMENTS RELATING TO THE NATIONAL ENDOWMENT FOR THE HUMANITIES.

Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956) is amended—

- (1) in the first sentence of subsection (b)(2) by striking “four” and inserting “3”,
- (2) by striking subsections (c), (e), (g), (j), and (m),
- (3) in subsection (f)—
 - (A) in paragraph (1) by striking “cost of” and all that follows through “subsection (c) of this section.”, and inserting the following:

“cost of activities—

“(A) to develop and encourage the pursuit of a national policy for the promotion of progress and scholarship in the humanities;

“(B) to initiate and support research and programs to strengthen the research and teaching potential of the United States in the humanities by making arrangements with individuals or groups to support such activities; any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;

“(C) to initiate and support training and workshops in the humanities by making arrangements with institutions or individuals (fellowships awarded to individuals under this authority may be for the purpose of study or research at appropriate non-profit institutions selected by the recipient of such aid, for stated periods of time);

“(D) to initiate and support programs and research which have substantial scholarly and cultural significance and that reach, or reflect the diversity and richness of our American cultural heritage, including the culture of a minority, inner city, rural, or tribal community;

“(E) to foster international programs and exchanges;

“(F) to foster the interchange of information in the humanities;

“(G) to foster, with groups, education in, and public understanding and appreciation of the humanities;

“(H) to support the publication of scholarly works in the humanities;

“(I) to insure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons; and

“(J) to foster programs and projects that provide access to, and preserve materials important to research, education, and public understanding of, the humanities;”,
 - (B) in paragraph (3)(B) by striking “subsection (c)” and inserting “paragraph (1)”, and
 - (C) in paragraph (6) by striking “subsection (c)” and inserting “subsection (e)(1)”,
- (4) in subsection (f)(2)(A)(vi) by striking “Chairman” and inserting “Chairperson”,
- (5) in subsection (h)—
 - (A) in paragraph (2)—
 - (i) in subparagraph (A) by striking “50” and inserting “25”, and
 - (ii) in subparagraph (B) by striking “other than funds authorized by section 11(a)(3)”, and
 - (B) in paragraph (3) by striking “section 7(c) and”,
- (6) in subsection (i) by striking “subsection (c)” and inserting “subsection (e)(1)”,
- (7) in subsection (k) by striking “subsection (f)” and inserting “subsection (d)”, and
- (8) by redesignating subsections (d), (f), (h), (i), (k), and (l) as subsections (c), (d), (e), (f), (g), and (h), respectively.

SEC. 6. AMENDMENTS RELATING TO THE NATIONAL COUNCIL ON THE HUMANITIES.

Section 8 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 957) is amended—

(1) in subsection (b)—

(A) by striking “Chairman” each place it appears and inserting “Chairperson”, and

(B) by striking “Endowment on” and inserting “Endowment for”, and
 (2) in subsection (f) by striking “In the case” and all that follows through the end of such subsection, and inserting “The Chairperson shall have final authority to approve each application.”.

SEC. 7. ADMINISTRATIVE PROVISIONS.

Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended—

(1) in subsection (a)—

(A) in paragraph (2) by striking “sections 5(c) and 7(c)” and inserting “sections 5 and 7”,

(B) in paragraph (5) by striking “(5 U.S.C. 73b–2)” and inserting “(5 U.S.C. 5703)”,

(2) in subsection (b) by striking “For the purposes of the income tax” and inserting the following:

“(4) For the purposes of the income tax”,

(3) in subsection (c)—

(A) inserting after the second sentence the following:

“Such panels shall recommend for approval or disapproval, and shall make comments on, all applications for projects, productions, and workshops based on artistic excellence and artistic merit (or the lack thereof), but shall not recommend any projects or productions determined to be obscene.”,

(B) in paragraph (2) by striking “all panels include representation of” and inserting “not less than 20 percent of the members, and at least 1 member, of each of such panels are”, and

(C) in paragraph (4)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and

(ii) by inserting before subparagraph (B), as so redesignated, the following:

“(A) open all meetings and discussions of such panels to the public;”,

(iii) in paragraph (6) by striking “for more than 3 consecutive years” and inserting “both for more than 2 consecutive years and in any 2 consecutive 2-year periods”, and

(4) in subsection (f)—

(A) in paragraph (1) by striking “sections 5(c) and 7(c)” and inserting “sections (5)(k)(1) and (7)(e)(1)”, and

(B) in paragraph (3) by striking “subsection (c)(3)(A)” and inserting “paragraph (2)(A)”.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960) is amended—

(1) by amending subsection (a) to read as follows:

“(a)(1)(A) For the purpose of carrying out section 5, there are authorized to be appropriated to the National Endowment for the Arts \$97,500,000 for fiscal year 1996, \$58,500,000 for fiscal year 1997, and \$46,800,000 for fiscal year 1998.

“(B) Subject to subsection (c)(1), of the amount appropriated under subparagraph (A) for each fiscal year—

“(i) 80 percent shall be available to carry out section 5(e); and

“(ii) 20 percent shall be available to carry out section 5(k), which shall include not less than 10 percent to carry out section 5(k)(2).

“(2)(A) For the purpose of carrying out section 7, there are authorized to be appropriated to the National Endowment for the Humanities \$137,920,000 for fiscal year 1996, \$110,340,000 for fiscal year 1997, and \$88,270,000 for fiscal year 1998.

“(B) Subject to subsection (c)(2), of the amount appropriated under subparagraph (A) for each fiscal year—

“(i) 80 percent shall be available to carry out section 7(d); and

“(ii) 20 percent shall be available to carry out section 7(e).

“(3)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1997, to the National Endowment for the Arts an amount equal to the sum of—

- “(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 5(k)(1) pursuant to the authority of section 10(a)(2); and
- “(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 5(k)(1).
- “(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1997, to the National Endowment for the Humanities an amount equal to the sum of—
 - “(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 7(e)(1) pursuant to the authority of section 10(a)(2); and
 - “(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 7(e)(1).
- “(C) Sums appropriated pursuant to subparagraphs (A) and (B) for any fiscal year shall remain available for obligation and expenditure until expended.
- “(D) The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities, as the case may be, shall issue guidelines to implement subparagraphs (A) and (B). Such guidelines shall be consistent with the requirements of section 5(k) and section 7(e), as the case may be, regarding total Federal support of activities, programs, projects, or productions carried out under authority of this Act.”.
- (2) in subsection (c)—
 - (A) in paragraph (1)—
 - (i) by striking “There” and all that follows through “1993,” and inserting “Of the amount appropriated under subsection (a)(1)(A) for each fiscal year, not more than \$5,000,000 shall be available”, and
 - (ii) by striking the last sentence, and
 - (B) in paragraph (2)—
 - (i) by striking “There” and all that follows through “1993,” and inserting “Of the amount appropriated under subsection (a)(2)(A) for each fiscal year, not more than \$5,000,000 shall be available”, and
 - (ii) by striking the last sentence,
- (3) in subsection (d)—
 - (A) in paragraph (1) by striking “exceed—” and all that follows through the period at the end, and inserting “exceed \$97,500,000 for fiscal year 1996, \$58,500,000 for fiscal year 1997, and \$46,800,000 for fiscal year 1998.”, and
 - (B) in paragraph (2) by striking “exceed—” and all that follows through the period at the end, and inserting “exceed \$137,920,000 for fiscal year 1996, \$110,340,000 for fiscal year 1997, and \$88,270,000 for fiscal year 1998.”, and
- (4) in subsection (f)(1) by striking “\$175,000,000” and inserting “\$105,000,000”.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR THE INSTITUTE OF MUSEUM SERVICES.

Section 209 of the Museum Services Act (20 U.S.C. 967) is amended—

- (1) in subsection (a) by striking “\$24,000,000” and all that follows through “1993”, and inserting “\$28,770,000 for each of the fiscal years 1996, 1997, and 1998”,
- (2) in subsection (d) by striking “1993” and inserting “1998”, and
- (3) by striking subsection (e).

SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.

(a) NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965.—The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951–960) is amended—

- (1) in section 3—
 - (A) in subsection (b) by striking “country.” and inserting “country.”,
 - (B) in subsection (c) by striking “video, and tape” and inserting “and video, tape,”, and
 - (C) in subsection (d)—
 - (i) in paragraph (1) by striking “may be” and inserting “may be,”, and
 - (ii) in paragraph (2)
 - (I) by striking “sections 5(l) and 7(h)” and inserting “sections 5(k) and 7(e)”, and

- (II) by striking “Arts and” and inserting “Arts or”,
- (2) in section 5A(b)—
 - (A) by striking “Arts,” and inserting “Arts”, and
 - (B) by striking “activities as” and inserting “activities and”, and
- (3) in section 9(b) by striking “Secretary of State” and inserting “Director of the United States Information Agency”.
- (b) MUSEUM SERVICES ACT.—Section 211 of the Museum Services Act (20 U.S.C. 969) is repealed.

SEC. 11. REPEALER.

The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951–960) is repealed.

SEC. 12. CONFORMING AMENDMENTS TO REFLECT THE REPEALER.

- (a) POET LAUREATE CONSULTANT.—Section 601 of Arts, Humanities, and Museums Amendments of 1985 (2 U.S.C. 177) is amended by striking subsection (c).
- (b) EXECUTIVE SCHEDULE PAY RATE.—Title 5 of the United States Code is amended in section 5314—
 - (1) by striking the item relating to the Chairman of the National Endowment for the Arts, and
 - (2) by striking the item relating to the Chairman of the National Endowment for the Humanities.
- (c) INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of the first section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G(a)(2)) is amended by striking “the National Endowment for the Arts, the National Endowment for the Humanities,”.
- (d) DELTA REGION PRESERVATION COMMISSION.—Section 907(a) of National Parks and Recreation Act of 1978 (16 U.S.C. 230f(a)) is amended—
 - (1) by striking paragraph (7),
 - (2) in the first paragraph (8) by striking the period at the end and inserting “; and”, and
 - (3) by redesignating the first paragraph (8) as paragraph (7).
- (e) WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS.—Section 3 of the Woodrow Wilson Memorial Act of 1968 (20 U.S.C. 80f) is amended—
 - (1) in subsection (b)—
 - (A) by striking paragraph (4), and
 - (B) by redesignating paragraphs (5) through (10) as paragraphs (4) through (9), respectively,
 - (2) in subsection (c) by striking “through (9)” and inserting “through (8)”, and
 - (3) in subsection (d) by striking “paragraph (10)” and inserting “paragraph (9)”.
- (f) INSTITUTE OF MUSEUM SERVICES.—The Museum Services Act (20 U.S.C. 961–969) is amended—
 - (1) in section 204(a)(2)(A)—
 - (A) by striking clauses (i) and (ii), and
 - (B) by redesignating clauses (iii) and (iv) as clauses (i) and (ii), respectively, and
 - (2) in section 205(b) by striking “the National Endowment for the Arts, the National Endowment for the Humanities,”.
- (g) NATIONAL TEACHER ACADEMIES.—Section 514(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1103c(b)(4)) is amended by striking “and the National Endowment for the Humanities”.
- (h) JACOB K. JAVITS FELLOWSHIP PROGRAM.—Section 932(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1134i(a)(3)) is amended by striking “the National Endowment for the Humanities, the National Endowment for the Arts,”.
- (i) GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.—Section 943(b) of the Higher Education Act of 1965 (20 U.S.C. 1134n(b)) is amended by striking “the National Endowments for the Arts and the Humanities,”.
- (j) AMERICAN FOLKLIFE CENTER.—Section 4(b) of the American Folklife Preservation Act (20 U.S.C. 2103(b)) is amended—
 - (1) in paragraph (4) by adding “and” at the end,
 - (2) by striking paragraphs (5) and (6), and
 - (3) by redesignating paragraph (7) as paragraph (5).
- (k) JAPAN-UNITED STATES FRIENDSHIP COMMISSION.—Section 4(a) of the Japan-United States Friendship Act (22 U.S.C. 2903(a)) is amended—
 - (1) in paragraph (2) by inserting “and” at the end,
 - (2) in paragraph (3) by striking the semicolon at the end and inserting a period, and
 - (3) by striking paragraphs (4) and (5).

(j) STANDARDS AND SYSTEMS FOR OUTDOOR ADVERTISING SIGNS.—Section 131(q)(1) of title 23, United States Code, is amended by striking “including the National Endowment for the Arts.”

(m) INTERNATIONAL CULTURE AND TRADE CENTER COMMISSION.—Section 7(c)(1) of Federal Triangle Development Act (40 U.S.C. 1106(c)(1)) is amended—

- (1) by striking subparagraph (I), and
- (2) by redesignating subparagraph (J) as subparagraph (I).

(n) LIVABLE CITIES.—The Livable Cities Act of 1978 (42 U.S.C. 8143 et seq.) is amended—

- (1) in section 804—

- (A) in paragraph (4) by inserting “and” at the end,

- (B) by striking paragraphs (5) and (7), and

- (C) in paragraph (6)—

- (i) by striking “; and” at the end and inserting a period, and

- (ii) by redesignating such paragraph as paragraph (5), and

- (2) in section 805—

- (A) in subsection (a)—

- (i) by striking “, in consultation with the Chairman,” and

- (ii) in paragraph (3) by striking “jointly by the Secretary and the Chairman” and inserting “by the Secretary”,

- (B) in subsection (b) by striking “and the Chairman shall establish jointly” and inserting “shall establish”,

- (C) in subsection (c) by striking “jointly by the Secretary and the Chairman” and inserting “by the Secretary”,

- (D) in subsection (d)—

- (i) by striking “consult with the Chairman and”, and

- (ii) by striking “jointly by the Secretary and the Chairman” and inserting “by the Secretary”, and

- (E) in subsection (e) by striking “, in cooperation with the Chairman,”.

(o) NATIONAL ARCHIVES TRUST FUND BOARD.—Section 2301 of title 44, United States Code, is amended by striking “and the Chairman of the National Endowment for the Humanities”.

(p) CONVERSION OF RAILROAD PASSENGER TERMINALS.—Title 49 of the United States Code is amended—

- (1) in section 5562 by striking subsection (c),

- (2) in section 5563(a)(4)—

- (A) in subparagraph (A) by adding “or” at the end,

- (B) by striking subparagraph (B), and

- (C) by redesignating subparagraph (C) as subparagraph (B),

- (3) in section 5564(c)(1)(C) by striking “or the Chairman of the National Endowment for the Arts”, and

- (4) in section 5565(c)(1)(B) by striking “or the Chairman of the National Endowment for the Arts”.

(q) NATIONAL SECURITY EDUCATION BOARD.—Section 803(b) of the National Security Education Act of 1991 (50 U.S.C. 1903(b)) is amended—

- (1) by striking paragraph (7), and

- (2) by redesignating paragraph (8) as paragraph (7).

(r) EDUCATIONAL RESEARCH, DEVELOPMENT, DISSEMINATION AND IMPROVEMENT ACT OF 1994.—Title IX of Public Law 103–227 (20 U.S.C. 6001 et seq.) is amended—

- (1) in section 921(j)—

- (A) by striking paragraphs (5) and (6), and

- (B) by redesignating paragraphs (7) and (8) as paragraphs (5) and (6), respectively, and

- (2) in section 931(h)(3)—

- (A) by striking subparagraphs (G) and (H), and

- (B) by redesignating subparagraphs (I), (J), (K), and (L) as subparagraphs (G), (H), (I), and (J), respectively.

(s) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994 (Public Law 103–382), is amended—

- (1) in section 2101(b) by striking “the National Endowment for the Humanities, the National Endowment for the Arts,”,

- (2) in section 2205(c)(1)(D)—

- (A) by striking “the National Endowment for the Arts,” and inserting “and”, and

- (B) by striking “, and the National Endowment for the Humanities”,

- (3) in section 2208(d)(1)(H)(v)—

- (A) by inserting “and” after “Services,” the first place it appears, and
- (B) by striking “, the National Endowment for the Humanities, and the National Endowment for the Arts”,
- (4) in section 2209(b)(1)(C)(vi) by striking “the National Endowment for the Humanities, the National Endowment for the Arts,”,
- (5) in section 3121(c)(2) by striking “the National Endowment for the Humanities, the National Endowment for the Arts,”,
- (6) in section 10401—
 - (A) in subsection (d)(6) by striking “the National Endowment for the Arts,”, and
 - (B) in subsection (e)(2) by striking “the National Endowment for the Arts,”,
- (7) in section 10411(a)—
 - (A) by striking paragraph (2), and
 - (B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively,
- (8) in section 10412(b)—
 - (A) in paragraph (2) by striking “, the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts,”, and
 - (B) in paragraph (7)—
 - (i) by striking “the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts and”, and
 - (ii) by striking “, or their designees,”, and
- (9) in section 10414(a)(2)(B) by striking “by—” and all that follows through “(iii)”, and inserting “by”.
- (t) DELTA REGION HERITAGE; NEW ORLEANS JAZZ COMMISSION.—Public Law 103–433 (108 Stat. 4515) is amended—
 - (1) in section 1104(b) by striking “the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities,”, and
 - (2) in section 1207(b)(6) by striking “and one member from recommendations submitted by the Chairman of the National Endowment of the Arts,”.

SEC. 13. EFFECTIVE DATES; SAVINGS PROVISION.

- (a) EFFECTIVE DATES.—
 - (1) GENERAL EFFECTIVE DATE.—Except as provided in paragraph (2), this Act and the amendments made by this Act shall take effect on October 1, 1995.
 - (2) EFFECTIVE DATE OF REPEALER AND RELATED CONFORMING AMENDMENTS.—Sections 11 and 12 shall take effect on October 1, 1998.
- (b) SAVINGS PROVISION.—An amendment or repeal made by this Act shall not apply with respect to—
 - (1) powers, duties, functions, rights, claims, penalties, or obligations applicable to financial assistance provided before the effective date of amendment or repeal, as the case may be, under the provision of law so amended or so repealed; and
 - (2) administrative actions and proceedings commenced before such date, or authorized before such date to be commenced, under such provision.

EXPLANATION OF AMENDMENTS

The provisions of the substitute are explained in this report.

PURPOSE

The purpose of H.R. 1557 is to phase-out the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH) over the next three fiscal years, and make certain reforms to each endowment during the phase-out period. H.R. 1557 also extends the authorization of the Institute of Museum Services (IMS) for the next three fiscal years.

COMMITTEE ACTION

The National Foundation on the Arts and Humanities Act (NFAHA), which established the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH), was last reauthorized in 1990 (P.L. 100-512). Currently, the NEA and NEH are operating under temporary authority through the appropriations law. The proposed legislation would extend the authorization for the NEA and NEH through September 30, 1998 after which the authority for the NEA and NEH would be repealed. The Institute for Museum Services (IMS) would be continued for three years.

On May 3, 1995, Representative Bill Goodling, along with Representative Randy "Duke" Cunningham as a cosponsor, introduced H.R. 1557. The bill was referred to the Committee on Economic and Educational Opportunities.

On May 10, 1995, the Committee on Economic and Education Opportunities assembled to consider H.R. 1557, the Arts, Humanities, and Museum Services Amendments of 1995. Chairman Goodling offered an amendment in the nature of a substitute to H.R. 1557. Two other substitute amendments—one to repeal the NEA and NEH effective October 1, 1995 and one to provide a straight two year reauthorization for the NEA, NEH, and IMS—were defeated. The Goodling substitute amendment was approved, and H.R. 1557, as amended, was ordered favorably reported by a vote of 19 yeas, 2 nays, and 18 voting present.

COMMITTEE VIEWS

In phasing-out the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH), the Committee on Economic and Educational Opportunities (hereinafter referred to as the "Committee") reduces the burden that deficit spending has placed on our children, returns control of arts and humanities programs to the State and local levels, and provides for an orderly transition of arts and humanities funding back to the private sector.

Over the past several months, Congress has demonstrated that a majority of its members intend to balance the Federal budget by the year 2002. With a National debt of over \$4 trillion and a deficit of over \$200 billion, the Committee is committed to doing its part to bring the budget into balance. The elimination of the Federal government's annual deficits will enure to the benefit of all Americans. However, reaching a balanced budget requires the Committee to make difficult choices. The Federal government can no longer maintain a financial presence in every area that it has been involved in the past. Two such areas include the NEA and NEH. H.R. 1617 would eliminate both agencies by October 1, 1998.

The Committee wishes to emphasize that in phasing-out the NEA and NEH, it is essential to provide for an orderly transition. An orderly transition provides time for the completion of on-going projects and programs, the stabilization of existing programs which may wish to be continued with non-Federal financing, and the strengthening of programs and entities to assume expanded levels of responsibility.

The Committee legislation reduces the authorized funding levels for the NEA and NEH by a set amount in each of the next three fiscal years, and provides a day certain for the repeal of all funding authority. For the NEA, the authorization level in fiscal year (FY) 1996 will equal a 40 percent reduction of the appropriations level for FY 1995. In FY 1997, the authorization level will be a 40 percent reduction of the FY 1996 level. In FY 1998, the authorization level will be a 20 percent reduction of the FY 1997 level. For the NEH, funding is reduced, in a similar fashion, by twenty percent for each of fiscal years 1996, 1997, and 1998. Both agencies are terminated as of the beginning of FY 1999, which is October 1, 1998.

During the remaining three year authorization period, both agencies will continue to make grants, although limited, at the National level. The National grants will be limited to 20 percent of each agency's grant-making funds. These grants will be further limited to strengthening the quality of public arts agencies and private nonprofit organizations in order to help them become self-sustaining. In addition, the endowments will be required to use at least half of the 20 percent to carry out a program of grants to States to stimulate artistic activity and awareness, and broaden public access to the arts in rural, inner city, and other underserved areas. This underscores the Committee's belief that while the endowments continue to exist, their mission should be to improve access to the arts and humanities. Finally, the practice of making direct NEA National grants to individuals is ended.

The Committee is well aware of the "one size fits all" philosophy that has developed in Washington over the past forty years. The Committee rejects this notion. Under current law, about 27.5 percent of NEA appropriations are sent to the States for basic State grants. The Committee bill, on the other hand, directs 80 percent of NEA and NEH grant-making funds to the States for basic State grants. This was done for a number of reasons.

First, the Committee believes that arts and humanities priorities are best established at the State and local levels. The strength of the existing agencies and councils is that they encourage, preserve, and foster understanding of local art, history and literature. State and local programs not only help individuals understand who they are and where they are, but, more importantly, they offer an alternative to mass media markets and decisions made hundreds or thousands of miles away.

Second, in a time of limited Federal resources, efforts must be made to concentrate resources where they are likely to have a long-term impact and widespread public support. Putting the bulk of the resources into State and local programming is an investment in the permanence of the State's agencies, its councils, and projects and programs directly relevant to local communities.

Third, State and local programs which are important to communities are those which are most likely to command private financial support. Thus, Federal funds focused on States and localities are likely to have high leverage capabilities, thus extending the return on Federal dollars invested.

Fourth, the public education activities and functions of the endowments can be more effectively conducted at the State and local levels.

Finally, the promotion of community is consistent with driving funds to the State and local levels. The promotion of State and local traditions through the arts and humanities helps bind communities together and foster creativity among its residents.

In focusing funding during the 3 year phase-out upon State programs, the Committee bill will result in an immediate, short-term increase in funding for the State arts agencies and humanities councils. It is the Committee's intent that these funds be used for specific objectives. One is to complete significant on-going programs and projects in the State. Another is to provide a pillar of support for State and local arts and humanities institutions, agencies, and organizations to prepare themselves for the elimination of Federal funds after three years. During the phase-out period, States and localities may begin planning for the future. Some may establish private endowments. Others may develop collaboratives with various organizations and entities. Still others may engage in expanded private fund-raising efforts. The Committee is confident that the arts and humanities communities will develop non-Federally supported models for replication.

While the Endowments have only been in existence for 30 years, the arts and humanities were flourishing well before 1965, the year the Endowments were established, and will continue to flourish after Federal subsidies are withdrawn. Mark Twain, Nathaniel Hawthorne, and Herman Melville, to name a few, all succeeded in earlier decades without government funding. In addition, New York became the art center of the world in the 1940's, well before the Endowments came into being. In the pre-1965 era, local symphony orchestras were performing, and universities were expanding and attracting students from all over the world, all without government support. Clearly, the arts and humanities will continue to flourish even after the Endowments are phased out.

The Committee recognizes that criticism has been lodged against the NEA on numerous occasions, and also against the NEH. These complaints have included charges of conflict of interest within the grant-making panels of the NEA, and a general disregard for the cultural and religious sensibilities of the public at-large in both agencies.

While the Committee recognizes that grant-making at the National level will be limited under the Committee legislation, changes in the grant-making process are needed, for the remaining duration of the NEA, to increase accountability. These changes require advisory panels reviewing grants to be composed of at least 20 percent lay persons, and require all panel discussions to be open to the public.

Under current law, the Chairperson of the NEA does not have final authority with respect to approval or disapproval of an application for a grant. If the National Council on the Arts disapproves an application, the Chairperson may not override the Council. Furthermore the Chairperson may only provide to an applicant the amount of financial assistance recommended by the Council. The Committee, on the other hand, believes the Chairperson should have more flexibility vis-a-vis the Council, and should be the person who is ultimately held accountable at the NEA for any problems that arise from grant applications. Accordingly, the Chair-

person is given final authority to approve or disapprove an application for assistance from the NEA.

Furthermore, the Committee legislation will greatly reduce administrative expenses at the endowments. With more money being allocated for basic State grants, and with the elimination of the section 5(c) and section 7(c) National grants, there is less responsibility required of the NEA and NEH at the National level. The Committee notes that the NEA currently expends \$16,547,000 to support the salaries and benefits of 273 Full Time Equivalents (FTEs). This amounts to an average NEA staff salary of \$60,000. The NEH has a similarly large bureaucracy. Given the reduced Federal role for the endowments at the National level, the Committee believes reducing administrative spending to \$5 million is appropriate.

While the National Endowment for the Humanities has sponsored some fine projects over the years, the NEH has also sponsored projects unworthy of taxpayer funding. Though there are several examples, the Committee finds three projects particularly troublesome—troublesome in the way in which academics have used NEH grants to promote agendas for “social and political transformation,” as former Chairperson Lynne Cheney has noted.

The first example is of a film project which used a double standard to judge Western civilization. The project declared Christopher Columbus guilty of “genocide,” while portraying the Aztec Indians, who practiced human sacrifice on a massive scale, as a gentle, peace-loving people. Fortunately, Cheney vetoed the project, and kept taxpayers’ money from being used to promote a West-bashing political agenda.

A second example is the nine-part television series called “The Africans.” The application for this NEH project promised to present a wide spectrum of views on Africa, and an abundance of opinions about its history, art and politics. The panelists who evaluated the project gave it excellent grades. However, between the time the funds were granted and the series was in final form, a change took place. Instead of a variety of opinions, the opinions of one man, Professor Ali Mazrui, were presented. He blamed every economic, moral and political failure that had ever occurred in Africa on the West. At one point in the movie, Sergeant Samuel Doe of Liberia is seen murdering his rivals on a beach, with the voice-over blaming the murders on the West, because the West had invented the guns that Sergeant Doe and his followers used in the killings.

A third, and more recent example, is the 1992 NEH grant for development of the National Standards for History. In this case, a group of historians produced a blueprint—using NEH and Department of Education funds—of how public school teachers should approach the teaching of history to fifth through twelfth graders. The application for NEH assistance promised to build standards on the basis of a previously published document—Lessons From History—that presented the full story of U.S. and Western civilization. Yet, the standards that were actually produced bore little relation to the promises made about them. Perhaps the single most irresponsible part of the standards was in the World History Standards for fifth and sixth graders. In the section about the end of World War II, students were encouraged to read a book about a Japanese girl of

their age who died a painful death as a result of radiation from the atomic bomb that the U.S. dropped on Hiroshima in 1945. This is all that the students were encouraged to learn about how the war ended. No mention is made about why American leaders decided to drop the atomic bombs; no mention is made about the casualties that they believed would have been suffered in an invasion of Japan. No mention is made of the rape of Nanking. Pearl Harbor is not discussed, nor is the Bataan death march. What the students would be likely to carry away from the World History Standards is that their country was guilty of a horrible and apparently unjustified act of cruelty against completely innocent people.

Finally, NEH taxpayer funding of the Modern Languages Association (MLA) is troubling given the MLA's agenda. For example, at a MLA convention in the past, panels have included such topics as "Lesbian Tongues Untied;" "Henry James and Queer Performativity;" "Status of Gender and Feminism in Queer Theory;" and "Strategies for Feminist Team Teaching of Hispanic Women Writers."

The Committee wishes to acknowledge the contributions of the Institute for Museum Services (IMS) in helping to preserve America's historical artifacts. Since its creation in 1976, the IMS has fulfilled its mission of providing general operating expenses and conservation activities for all types of museums. Funds expended by the IMS have helped museums increase their professionalism and better provide unique educational opportunities to the public. The Committee notes that the IMS has accomplished its purposes on a limited budget.

For these reasons, and because general operating funds are among the most difficult for America's museums to raise, the Committee legislation continues the IMS for three additional years, and maintains its current funding level of \$28.7 million. The Committee urges the Institute to continue to remain true to its mission.

BACKGROUND AND NEED FOR LEGISLATION

The National Endowment for the Arts (NEA) is an independent Federal agency created by the National Foundation on the Arts and Humanities Act of 1965. Begun with a \$2.5 million appropriation in 1966, the NEA has vastly expanded into a \$167.4 million agency in 1995. Broadly speaking, the mission of the NEA is to foster excellence, diversity and vitality in the arts, and to broaden the arts availability and appreciation. The mission is carried out through awarding grants—about 4,000 a year presently—to individual artists, arts groups and other nonprofit organizations. The NEA also provides financial support to state, regional and local arts agencies, as well as provides support for underserved areas.

The National Endowment for the Humanities is an independent Federal agency also created by the National Foundation on the Arts and Humanities Act of 1965. Begun with a \$5.5 million appropriation in 1966, the NEH has also vastly expanded into a \$177.0 million agency in 1995. Broadly speaking, the mission of the NEH is to support scholarly research, education, and public programs in the humanities. Grants are provided to individuals, institutions, and organizations for humanities-related projects and programs.

The Institute for Museum Services (IMS) is an independent Federal agency created by the Museum Services Act of 1976 (Title II of P.L. 94-462). The purpose of the IMS is to make grants to museums to increase and improve museum services. Grants may be used by museums to construct displays and exhibits, to maintain professionally-trained staff, to pay for costs of maintaining collections, to develop traveling exhibitions, to conserve collections, and to develop and carry out special programs. Begun with a \$100,000 appropriation in 1977, the IMS has expanded into a \$28.7 million agency in 1995.

The NEA and NEH each have a Chairperson and 26 member council, appointed by the president, to oversee the awarding of grants which each is authorized to make. In addition, advisory panels appointed by the Chairperson of the NEA assist in reviewing NEA applications, developing or revising guidelines, and providing advice on future directions for the NEA's grant-making programs. In a similar fashion, the IMS has a director and a 15 member policy board appointed by the President.

Throughout the recent history of the NEA and NEH, each agency has been the subject of controversy—controversy surrounding questionable grants, membership of review panels, conflict of interest among members of review panels, and the development of world history standards in the case of the NEH.

Given this controversy, numerous hearings have been held on the NEA, NEH, and IMS. Hearings were held by this Committee on four occasions in 1990, once in 1993, and again in 1994. On January 24, 1995 and again on February 16, 1995, the House Interior Appropriations Subcommittee held hearings on the NEA and NEH. The last reauthorization of the National Foundation on the Arts and Humanities Act occurred in 1990 (P.L. 100-512) giving the program an authorization for fiscal years 1991, 1992, and 1993. Since fiscal year 1993, the endowments have continued to operate solely under temporary authority through the appropriations legislation without the necessary authorization. However, it should be noted that a bill (H.R. 2351) to extend the authority of the NEA, NEH, and IMS for two years, passed the House in 1993 but did not become law.

Both the House and Senate rescissions legislation in 1995 proposed cutting the NEA and NEH by \$5 million each, and the budget resolution for fiscal year 1996 proposed zeroing out both the NEA and NEH.

With a National debt of over \$4 trillion, and a deficit of over \$200 billion, the spending practices of Congress as well as what programs continue to be authorized, must radically change if we are ever to balance the Federal budget. This involves taking a hard look at what involvement, if any, the Federal government should have in the arts and humanities.

Given the totality of current circumstances, the Committee believes the time has come for a 3 year phase-out of both the NEA and NEH. Such a proposal gives each agency sufficient time to wind down its affairs, in preparation for the day when the arts and humanities are no longer supported with taxpayer dollars. It also provides private-sector arts organizations with ample opportunity to prepare to continue support of flourishing arts activities

throughout our Nation. Accordingly, H.R. 1557 provides for an orderly phase-out of the Federal government's subsidization of the NEA and NEH, and makes certain other reforms during the remaining years. The legislation continues the IMS for three additional years with no phase-out.

SUMMARY

In reporting H.R. 1557, the Committee on Economic and Educational Opportunities phases-out the National Endowment for the Arts and the National Endowment for the Humanities over a three year period. The Institute of Museum services would be authorized for three additional years at a funding level consistent with its 1995 appropriations.

In FY 1996, authorized funding for the National Endowment for the Arts would be reduced by 40 percent of its 1995 appropriated level, by 40 percent of the FY 1996 authorization level for FY 1997, and by 20 percent of the FY 1997 authorization level in 1998. The authorization levels for the National Endowment for the Humanities would be reduced by 20 percent over each of the next three fiscal years. Both agencies would terminate on October 1, 1998.

During the phase-out period, NEA and NEH grants at the National level would be used only for strengthening the quality of institutions and organizations. Of these funds, at least half, for purposes of the NEA, would be used for the improvement of small, developing arts institutions based in rural, inner city and underserved areas. Eighty percent of all grant funds would go to the State arts agencies and State humanities councils, giving states the flexibility to set their own priorities. In addition, administrative funds for the NEA and NEH would be reduced to no more than \$5 million per year per agency, and the grant-making process would be reformed to make it more open and responsive to the public. Other reforms make the Chairperson of each agency more accountable for the use of Federal funds.

SECTION-BY-SECTION ANALYSIS

Section 1 states the short title of the bill as "Arts, Humanities, and Museum Services Amendments of 1995.

Section 2 of the bill amends section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (NFAHA) to delete the findings in current law numbered (2) through (12), and adding a finding that the arts and humanities are primarily matters for private and local initiative.

Section 3 of the bill amends section 5 of NFAHA as follows:

(1) the term of the Chairperson of the National Endowment for the Arts (NEA) is changed from four years to three years in section 5(b)(2) of current law;

(2) the current law section 5(c) program of National grants and loans to groups and individuals is eliminated; the 50 percent cost limitation found in section 5(e) is eliminated to correspond with the elimination of section 5(c) grants; the distribution of financial assistance by installments in section 5(j) is eliminated to conform with the elimination of section 5(c)

National grants; section 5(m) and section 5(n) relating to the Secretary of Labor and labor matters are deleted;

(3) subsection 5(d)(1) is changed to reflect that no payment shall be made under newly designated subsection 5(k)(1) relating to National grants for “strengthening quality”, unless the Chairperson ensures that artistic excellence and merit are the criteria and that applications are consistent with the section. The requirement that regulations and procedures are to clearly indicate that obscenity is without artistic merit, is not protected speech, and shall not be funded, is preserved. Similarly, the prohibition on funding projects, productions, and workshops determined to be obscene is preserved;

(4)(A) subsection 5(g)(1) relating to basic State grants is changed to allow such grants to be used for supporting “(A) projects and productions which have substantial national or international artistic and cultural significance, giving emphasis to American creativity and cultural diversity and to the maintenance and encouragement of professional excellence; (B) projects and productions, meeting professional standards of authenticity or tradition, irrespective of origin, which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens for geographic or economic reasons; (C) projects and productions that will encourage and assist artists and enable them to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or to achieve standards of professional excellence; (D) projects and productions which have substantial artistic and cultural significance and that reach, or reflect the culture of a minority, inner city, rural, or tribal community; (E) projects and productions that will encourage public knowledge, education, understanding, and appreciation of the arts; (F) workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens; (G) programs for the arts at the local level; (H) projects that enhance managerial and organizational skills and capabilities; and (I) projects, productions, and workshops of the kind described in subparagraphs (A) through (H) through film, radio, video, and similar media, for the purpose of broadening public access to the arts”;

(B) a conforming change is made to subsection 5(g)(2)(B) to reflect the change in allowable uses of the basic State grant;

(C) a technical change is made to subsection 5(g)(3)(B) to add a semicolon at the end;

(D) a conforming change is made in subsection 5(g)(5) to reflect the requirement that all amounts allotted or made available for the basic State grant for a fiscal year, but which are not granted to a State during such year shall be available to the NEA at the end of the year for carrying out National grants under newly designated subsection 5(k)(1);

(5) conforming changes are made to subsection 5(h) to reflect that the Chairperson of the NEA shall notify the Secretary of the Treasury to make no further grants to a State upon the Chairperson’s findings of noncompliance or diversion of funds;

(6) a technical change is made to subsection 5(l)(1) to reflect the insertion of a comma after the word “Endowment”;

(7) subsection 5(o) is changed to allow the Chairperson of the NEA to enter into interagency agreements for the purposes of newly designated section 5(k)(l) National grants for “strengthening quality”;

(8) subsection 5(p)(1)(D) is changed to reflect the elimination of the use of section 5(p)(1) grants for the support of professional artists in community based residencies; subsection 5(p)(1) National grants (redesignated as 5(k)(1) grants under the bill) for strengthening quality are modified to clearly reflect a 3:1 match or 75 percent non-Federal contribution requirement; subsection 5(p)(2) grants to States (redesignated as 5(k)(2) grants under the bill) relating to developing arts organizations and underserved areas are modified to reflect a 1:1 match or 50 percent non-Federal contribution requirement;

(9) subsection 5(q) is amended to reflect a conforming change related to information and data collection;

(10) subsection 5(d) is redesignated subsection 5(c), subsection 5(f) becomes 5(d), subsection 5(g) becomes 5(e), subsection 5(h) becomes 5(f), subsection 5(i) becomes 5(g), subsection 5(k) becomes 5(h), subsection 5(l) becomes 5(i), subsection 5(o) becomes 5(j), subsection 5(p) becomes 5(k), and subsection 5(q) becomes 5(l).

Section 4 of the bill amends section 6(f) of the NFAHA to delete references to section 5(c) and section 5(p) grants and insert in their place the National “strengthening quality” grants under newly-designated section 5(k). Under this change, the National Council on the Arts makes recommendations to the Chairperson of the NEA on whether to approve applications for financial assistance under newly-designated section 5(k) relating to “strengthening quality.” Section 4 of the bill also amends section 6(f) of current law to give the Chairperson of the NEA final authority to approve each application for assistance. Numerous restrictions under current law upon the Chairperson’s authority to be the final authority are eliminated.

Section 5 of the bill amends section 7 of NFAHA as follows:

(1) the term of the Chairperson of the National Endowment for the Humanities (NEH) is changed from four years to three years in subsection 7(b)(2) of current law;

(2) the current law section 7(c) program of NEH National contracts, grants, loans, and other forms of assistance is eliminated; the 30 percent cost limitation in current law section 7(e) for section 7(c)(3) grants to any group engaging in workshop activities for which an admission or other charge is made to the general public is eliminated. This corresponds with the elimination of section 7(c) grants; section 7(g) and section 7(j) relating to the Secretary of Labor and labor matters are deleted; section 7(m) relating to annual awards in the humanities is deleted;

(3) subsection 7(f)(1) relating to basic State grants for the humanities is changed to allow such grants to be used for supporting not more than 50 percent of the cost of activities (A) to develop and encourage the pursuit of a national policy for the promotion of progress and scholarship in the humanities; (B) to initiate and support research and programs to strength-

en the research and teaching potential of the United States in the humanities by making arrangements with individuals or groups to support such activities; any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury; (C) to initiate and support training and workshops in the humanities by making arrangements with institutions or individuals (fellowships awarded to individuals under this authority may be for the purpose of study or research at appropriate nonprofit institutions selected by the recipient of such aid, for stated periods of time); (D) to initiate and support programs and research which have substantial scholarly and cultural significance and that reach, or reflect the diversity and richness of our American cultural heritage, including the culture of a minority, inner city, rural, or tribal community; (E) to foster the international programs and exchanges; (F) to foster the interchange of information in the humanities; (G) to foster, with groups, education in, and public understanding and appreciation of the humanities; (H) to support the publication of scholarly works in the humanities; (I) to insure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons; and (J) to foster programs and projects that provide access to, and preserve materials important to research, education, and public understanding of, the humanities; a conforming change is made to subsection 7(f)(3)(B) to reflect the elimination of section 7(c) grants—“subsection (c)” is redesignated “paragraph (1)” in subsection 7(f)(3)(B); a conforming change is made to subsection 7(f)(6) to redesignate therein “subsection (c)” as newly-designated “subsection (e)(1)” relating to National grants;

(4) a technical change is made in subsection 7(f)(2)(A)(vi) to change the word “Chairman” to “Chairperson.”

(5) subsection 7(h) NEH National grants [redesignated as 7(e) grants under the bill] are modified to reflect a 3:1 or 75 percent match rather than a 1:1 or 50 percent match as under current law; subsection 7(h) is amended to eliminate the section 11(a)(3) restriction for purposes of waiver authority of the Chairperson of the NEH; subsection 7(h)(3) is amended to reflect a conforming change related to the elimination of section 7(c) grants—the words “section 7(c)” are deleted from subsection 7(h)(3);

(6) subsection 7(i) is amended to reflect a conforming change related to the elimination of section 7(c) grants—the words “subsection (c)” are changed to newly-designated “subsection (e)(1)” relating to National grants;

(7) subsection 7(k) is amended to reflect a conforming change related to reporting requirements of the Chairperson of the NEH under newly-designated “subsection (d).”

(8) subsection 7(d) is redesignated subsection 7(c), subsection 7(f) becomes 7(d), subsection 7(h) becomes 7(e), subsection 7(i) becomes 7(f), subsection 7(k) becomes 7(g), and subsection 7(l) becomes 7(h).

Section 6 of the bill makes a technical change to subsection 8(b) of the NFAHA to change the word “Chairman” to “Chairperson.” Subsection 8(b) is also amended to change the words “Endowment on” to “Endowment for”, and subsection 8(f) of current law is amended to give the Chairperson of the NEH final authority to approve applications. Several restrictions upon the Chairperson’s authority over the approval of applications are eliminated.

Section 7 of the bill amends section 10 of the NFAHA as follows:

(1) a conforming change is made to subsection 10(a)(2) of current law to reflect the elimination of section 5(c) and 7(c) grants—the words “section 5(c) and 7(c)” are changed to “sections 5 and 7”; a technical change is made to section 10(a)(5) to reflect the correct citation to “(5 U.S.C. 5703)” rather than “(5 U.S.C. 73b–2)”;

(2) a technical change is made to subsection 10(b) to insert “(4) For the purposes of the income tax”;

(3) subsection 10(c) is amended to clarify that NEA advisory panels shall make recommendations for approval or disapproval of applications based on artistic excellence and merit (or the lack thereof), but such panels shall not recommend any projects or productions determined to be obscene; subsection 10(c)(2) is changed to ensure that not less than 20 percent of the members of an NEA advisory panel, and at least one member of each such panel, are lay persons; subsection 10(c)(4) is amended to require the Chairperson of the NEA to ensure that advisory panels open all meetings and discussions to the public, and other technical and conforming redesignations are made to such subsection; subsection 10(c)(6) is amended to eliminate the 3 consecutive years limitation upon service on an advisory panel, and replace such limitation with a limitation of service of not more than 2 consecutive years and in any 2 consecutive 2-year periods;

(4) conforming changes are made to subsection 10(f)(1) to reflect the elimination of section 5(c) and 7(c) grants—the words “section 5(c) and 7(c)” are replaced with newly-designated “sections (5)(k)(1) and (7)(e)(1)” relating to National grants; a technical and conforming change is made to subsection 10(f)(3) to strike the words “subsection (c)(3)(A)” and insert “paragraph (2)(A)”.

Section 8 of the bill amends Section 11 of the NFAHA with the following changes:

(1) amends Section 11(a)(1)(A) of the NFAHA to authorize \$97,500,000 for FY 1996, \$58,500,000 for FY 1997, and \$46,800,000 for FY 1998 to be appropriated to the National Endowment for the Arts for carrying out the purposes outlined in Section 5 of the Act; amends section 11(a)(1)(B) to require that, of the funds appropriated under (1)(A), 80 percent shall be available for basic state grants under newly-designated Section 5(e), and 20 percent shall be available for strengthening the quality of institutions and organizations under newly-designated Section 5(k), of which not less than 10 percent must be used to strengthen developing arts organizations in rural, inner city and underserved areas under newly-designated Section 5(k)(2); amends Section 11(a)(2)(A) to authorize

\$137,920,000 for FY 1996, \$110,340,000 for FY 1997, and \$88,270,000 for FY 1998 for the National Endowment for the Humanities for carrying out the purposes outlined in Section 7 of the NFAHA; amends Section 11(a)(2)(B) to require that, of the funds appropriated under (2)(A), 80 percent shall be available for basic state grants under newly-designated Section 7(d), and 20 percent shall be available for strengthening the quality of institutions and organizations under newly-designated Section 7(e); amends Section 11(a)(3)(A) to authorize additional appropriations in any fiscal year ending prior to October 1, 1997 for the National Endowment for the Arts in an amount equal to the sum of the value of non-federal donations received by the NEA for purposes of newly-designated Section 5(k)(1), and value of non-Federal donations received by grantees of the NEA for purposes of Section 5(k)(1); amends Section 11(a)(3)(B) to authorize additional appropriations in any fiscal year ending prior to October 1, 1997 for the National Endowment for the Humanities in an amount equal to the sum of the value of non-Federal donations received by the NEH for the purposes of newly-designated Section 7(e)(1), and the value of non-Federal donations received by grantees of the NEH for purposes of Section 7(e)(1); amends Section 11(a)(3)(C) to ensure that funds shall remain available for obligation and expenditure until expended; amends Section 11(a)(4) to redesignate as Section 11(a)(3)(D) and to require the Chairpersons of the NEA and NEH to issue guidelines to implement subparagraphs (A) and (B).

(2) Amends Section 11(c) to reduce funds authorized for the administration of the National Endowment for the Arts and the National Endowment for the Humanities to \$5,000,000 respectively.

(3) Amends Section 11(d) as follows:

(A) limits the total amount appropriated to carry out the activities of the National Endowment for the Arts to \$97,500,000 for FY 1996, \$58,500,000 for FY 1997, and \$46,800,000 for FY 1998.

(B) limits the total appropriated to carry out the activities of the National Endowment for the Humanities to \$137,920,000 for FY 1996, \$110,340,000 for FY 1997, and \$88,270,000 for FY 1998.

(4) Amends subsection 11(f)(1) to lower the amount required to be appropriated for the National Endowment for the Arts in order to implement Section 5A, Access to the Arts Through the Support of Education. This trigger is lowered from \$175,000,000 to \$105,000,000.

Section 9 of the bill amends Section 209 of the Museum Services Act to authorize \$28,770,000 for each of Fiscal Years 1996, 1997, and 1998 for the Institute for Museum Services. In addition, this section eliminates the authorization of under Section 209(e) funding to carry out a survey of certain museums.

Section 10 makes technical and conforming amendments to the National Foundation on the Arts and Humanities Act of 1965 and the Museum Services Act as follows:

(a) makes technical corrections and other conforming changes to sections 2, 3, 5A and 9 of the National Foundation on the Arts and Humanities Act of 1965;

(b) repeals Section 211 of the Museum Services Act, which provides for an already-completed assessment of small, emerging, minority, and rural museums.

Section 11 repeals the National Foundation on the Arts and Humanities Act of 1965.

Section 12 conforms other acts to reflect the repeal of the National Foundation on the Arts and Humanities Act of 1965. Affected provisions include:

(a) Poet Laureate Consultant—amends Section 610 of the Arts, Humanities, and Museums Amendments of 1985 (2 U.S.C. 177).

(b) Executive Schedule Pay Rate—amends Section 5314 of Title 5 of United States Code.

(c) Inspector General Act of 1978—amends Subsection (a)(2) of the first section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G(a)(2)).

(d) Delta Region Preservation Commission—amends Section 907(a) of the National Parks and Recreation Act (16 U.S.C. 230f(a)).

(e) Woodrow Wilson International Center for Scholars—amends Section 3 of the Woodrow Wilson Memorial Act of 1968 (20 U.S.C. 80f).

(f) Institute of Museum Services—amends Sections 204(a)(2)(A) and 205(b) of the Museum Services Act (20 U.S.C. 961–969).

(g) National Teacher Academies—amends Section 514(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1103c(b)(4)).

(h) Jacob K. Javits Fellowship Program—amends Section 932(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1134i(a)(3)).

(i) Graduate Assistance in Area of National Need—amends Section 943(b) of the Higher Education Act of 1965 (20 U.S.C. 1134n(b)).

(j) American Folklife Center—amends Section 4(b) of the American Folklife Preservation Act (20 U.S.C. 2103(b)).

(k) Japan-United States Friendship Commission—amends Section 4(a) of the Japan-United States Friendship Commission (22 U.S.C. 2903(a)).

(l) Standards and Systems for Outdoor Advertising Signs—amends section 131(q)(1) of Title 23, United States Code.

(m) International Culture and Trade Center Commission—amends Section 7(c)(1) of the Federal Triangle Development Act (40 U.S.C. 1106(c)(1)).

(n) Liveable Cities—amends Sections 804 and 805 of the Livable Cities Act of 1978 (42 U.S.C. 8143 et seq.).

(o) National Archives Trust Fund Board—amends Section 2301 of Title 44, United States Code.

(p) Conversion of Railroad Passenger Terminals—amends sections 5562, 5563(a)(4), 5564(c)(1)(C), and 5565(c)(1)(B) of Title 49, United States Code.

(q) National Security Education Board—amends Section 803(b) of the National Security Education Act of 1991 (50 U.S.C. 903(b)).

(r) Goals 2000: Educate America Act—amends Sections 232(b)(3)(B), 921(j), and 931(h)(3) of the Goals 2000: Educate America Act (P.L. 103–382).

(s) Elementary and Secondary Education Act of 1965—amends Sections 2101(b), 2205(c)(1)(D), 2208(d)(1)(H)(v), 2209(b)(1)(C)(vi), 3121(c)(2), 10401, 10411(a), 10412(b), and 10414(a)(2)(B) of the Elementary and Secondary Education Act of 1965 as amended by the Improving America's Schools Act (P.L. 103–382).

(t) Delta Region Heritage; New Orleans Jazz Commission—amends Sections 1104(b) and 1207(b)(6) of Public Law 103–433 (108 Stat. 4515).

Section 13 of the bill sets forth effective dates and savings provisions as follows:

(a)(1) notes that in general, amendments made by this Act are effective October 1, 1995;

(2) provides an effective date of October 1, 1998 for repealers and related conforming amendments.

(b) provides that amendments or repeals made by this act shall not apply with respect to claims or obligations applicable to financial assistance made prior to the effective date, or to administrative actions commenced or authorized prior to such date.

OVERSIGHT FINDINGS OF THE COMMITTEE

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment into law of H.R. 1557 will have no inflationary impact on prices and costs in the operation of the national economy.

GOVERNMENT REFORM AND OVERSIGHT

With respect to the requirement of clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 1557.

COMMITTEE ESTIMATE

Clause 7 of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 1557. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely sub-

mitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

APPLICATION OF LAW TO LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this bill to the legislative branch. This bill provides funds to States for programs and services to eligible recipients; the bill does not prohibit legislative branch employees from otherwise being eligible for grants authorized.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget & Impoundment Control Act requires a statement of whether the provisions of the reported bill include unfunded mandates; the bill provides funds for administration of the programs authorized under this bill at the state and local level and as such does not contain any unfunded mandates.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 2(l)(3)(B) of rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 2(l)(3)(C) of rule XI of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1557 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 18, 1995.

Hon. WILLIAM F. GOODLING,
*Chairman, Committee on Economic and Educational Opportunities,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1557, the Arts, Humanities, and Museum Service Amendments of 1995, as ordered reported by the House Committee on Economic and Educational Opportunities on May 10, 1995.

The bill would not affect direct spending or receipts and thus would not be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEIL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1557.

2. Bill title: Arts, Humanities, and Museum Services Amendments of 1995.

3. Bill status: As ordered reported by the House Committee on Economic and Educational Opportunities on May 10, 1995.

4. Bill purpose: H.R. 1557 would authorize appropriations for fiscal years 1996, 1997, and 1998 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum Services. It would also repeal the National Foundation on the Arts and the Humanities Act of 1965, effective October 1, 1998.

5. Estimated cost to the Federal Government: Enactment of H.R. 1557 would gradually eliminate funding for the National Endowment for the Arts and the National Endowment for the Humanities over the 1996 to 1998 period. In addition, the bill would reauthorize funds through 1998 for the Institute for Museum Services at levels similar to the 1995 appropriation. The budgetary effects of the legislation are summarized below:

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	2000
NATIONAL ENDOWMENT FOR THE ARTS						
Spending Under Current Law:						
Budget Authority ¹	167.4					
Estimated Outlays	165.9	113.6	33.6	14.4	0.0	0.0
Proposed Changes:						
Authorization Level		97.5	58.5	46.8		
Estimated Outlays		54.0	70.5	51.7	22.6	2.9
Spending Under H.R. 1557:						
Authorization Level ¹	167.4	97.5	58.5	46.8		
Estimated Outlays	165.9	167.5	104.1	66.1	22.6	2.9
NATIONAL ENDOWMENT FOR THE HUMANITIES						
Spending Under Current Law:						
Budget Authority ¹	177.0					
Estimated Outlays	184.8	104.2	40.4	8.9		
Proposed Changes:						
Authorization Level		137.9	110.3	88.3		
Estimated Outlays		88.2	112.6	95.9	33.4	5.2
Spending Under H.R. 1557:						
Authorization Level ¹	177.0	137.9	110.3	88.3		
Estimated Outlays	184.8	192.4	153.0	104.8	33.4	5.2
INSTITUTE FOR MUSEUM SERVICES						
Spending Under Current Law:						
Budget Authority ¹	28.7					
Estimated Outlays	45.9	20.4				
Proposed Changes:						
Authorization Level		28.8	28.8	28.8		
Estimated Outlays		8.3	28.8	28.8	20.4	
Spending Under H.R. 1557:						
Authorization Level ¹	28.7	28.8	28.8	28.8		
Estimated Outlays	45.9	28.7	28.8	28.8	20.4	

¹ The 1995 figure is the amount actually appropriated for that fiscal year.

Note: Details may not add to totals due to rounding.

The costs of this bill fall within budget function 500.

6. Basis of estimate: H.R. 1557 amends the National Foundation on the Arts and the Humanities Act of 1965 by reauthorizing appropriations for the National Endowments for the Arts and Humanities. The amounts authorized for fiscal years 1996 through 1998 are stated in the bill. Estimated outlays assume full appropriation of the amounts authorized. The bill would distribute a

larger share of the endowments' funds through basic state grants rather than national grants; consequently, CBO assumes the funds would be spent more quickly than under current law. Effective October 1, 1998, the National Foundation on the Arts and Humanities Act of 1965 would be repealed, and the two endowments would be eliminated.

In addition, H.R. 1557 would amend the Museum Services Act by reauthorizing appropriations for the Institute for Museum Services. The amounts authorized for fiscal years 1996 through 1998 are stated in the bill. Estimated outlays assume full appropriation of the amounts authorized and the continuation of the current spending pattern. H.R. 1557 would not repeal the Museum Services Act.

7. Pay-as-you-go considerations: None.

8. Estimated cost to State and local governments: The federal share of grants and agreements entered into for the purpose of encouraging and developing arts education cannot exceed 50 percent of the cost of the activity for which the grant is made. State and local governments or private entities would assume the remaining cost of the activity.

9. Estimate comparison: None.

10. Previous CBO estimate: None.

11. Estimate prepared by: John Tapogna.

12. Estimate approved by: Robert A. Sunshine, for Paul N. Van de Water, Assistant Director for Budget Analysis.

ROLLCALL VOTES

MOTION TO ORDER REPORTED H.R. 1557, AS AMENDED

The bill H.R. 1557 as amended, was ordered reported favorably to the House by a vote of 19 ayes to 2 noes with 18 Members voting present, on May 10, 1995.

The rollcall vote is as follows:

AYES	NOES	PRESENT
Chairman Goodling	Mr. Riggs	Mr. Castle
Mr. Petri	Mrs. Mink	Mr. Johnson
Mrs. Roukema		Mr. Souder
Mr. Gunderson		Mr. Clay
Mr. Fawell		Mr. Kildee
Mr. Ballenger		Mr. Martinez
Mr. Barrett		Mr. Owens
Mr. Hoekstra		Mr. Sawyer
Mr. McKeon		Mr. Payne
Mrs. Meyers		Mr. Andrews
Mr. Talent		Mr. Reed
Mr. Greenwood		Mr. Roemer
Mr. Hutchinson		Mr. Engel
Mr. Knollenberg		Mr. Becerra
Mr. Graham		Mr. Scott
Mr. Weldon		Ms. Woolsey
Mr. Funderburk		Mr. Romero-
Mr. McIntosh		Barceló
Mr. Norwood		Mr. Reynolds

MOTION TO ADOPT THE GOODLING AMENDMENT IN THE NATURE OF A SUBSTITUTE

The Goodling substitute to the bill H.R. 1557 was adopted by voice vote on May 10, 1995. The substitute phases-out the National Endowment for the Arts and the National Endowment for the Humanities over a 3 year period. The Institute of Museum Services is authorized for an additional 3 years at a \$28.77 million level each year.

VOTES ON AMENDMENTS

The Committee defeated a substitute amendment (19 ayes to 24 noes) offered by Mr. Williams of Montana to provide a simple extension of the authorization of the NEA, NEH, and IMS for an additional two years at "such sums as necessary."

The rollcall vote was as follows:

AYES	NOES
Mrs. Roukema	Chairman Goodling
Mr. Clay	Mr. Petri
Mr. Miller	Mr. Gunderson
Mr. Kildee	Mr. Fawell
Mr. Williams	Mr. Ballenger
Mr. Martinez	Mr. Barrett

Mr. Owens	Mr. Cunningham
Mr. Sawyer	Mr. Hoekstra
Mr. Payne	Mr. McKeon
Mrs. Mink	Mr. Castle
Mr. Andrews	Mrs. Meyers
Mr. Reed	Mr. Johnson
Mr. Engel	Mr. Talent
Mr. Becerra	Mr. Greenwood
Mr. Scott	Mr. Hutchinson
Mr. Green	Mr. Knollenberg
Ms. Woolsey	Mr. Riggs
Mr. Romero-Barceló	Mr. Graham
Mr. Reynolds	Mr. Weldon
	Mr. Funderburk
	Mr. Souder
	Mr. McIntosh
	Mr. Norwood
	Mr. Roemer

The Committee defeated an amendment (11 ayes to 31 noes) offered by Mr. Johnson to eliminate the National Endowment for the Arts and the National Endowment for the Humanities effective October 1, 1995.

The rollcall vote is as follows:

AYES	NOES
Mr. McKeon	Chairman Goodling
Mr. Johnson	Mr. Petri
Mr. Talent	Mrs. Roukema
Mr. Hutchinson	Mr. Gunderson
Mr. Riggs	Mr. Fawell
Mr. Graham	Mr. Ballenger
Mr. Weldon	Mr. Barrett
Mr. Funderburk	Mr. Hoekstra
Mr. Souder	Mr. Castle
Mr. McIntosh	Mrs. Meyers
Mr. Norwood	Mr. Greenwood
	Mr. Knollenberg
	Mr. Clay
	Mr. Miller
	Mr. Kildee
	Mr. Williams
	Mr. Martinez
	Mr. Owens
	Mr. Sawyer
	Mr. Payne
	Mrs. Mink
	Mr. Andrews
	Mr. Reed
	Mr. Roemer
	Mr. Engel
	Mr. Becerra
	Mr. Scott
	Mr. Green
	Ms. Woolsey
	Mr. Romero-Barceló
	Mr. Reynolds

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 10, 1995.

Hon. WILLIAM GOODLING,
Chairman, House Economic and Educational Opportunities Committee, Washington, DC.

DEAR MR. CHAIRMAN: I missed by seconds the closing of the committee vote today on reporting the National Foundation on the Arts and Humanities Act to the full House. Had I cast my vote, I would like the record to show I would have voted "aye."

Thank you. Please insert this statement at the appropriate point in the record.

Sincerely,

RANDY "DUKE" CUNNINGHAM,
Member of Congress.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**NATIONAL FOUNDATION ON THE ARTS AND THE
HUMANITIES ACT OF 1965¹**

AN ACT To provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the “National Foundation on the Arts and the Humanities Act of 1965”.

DECLARATION OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares the following:

(1) The arts and the humanities belong to all the people of the United States.

(2) *The encouragement and support of national progress and scholarship in the arts and the humanities is primarily a matter for private and local initiative.*

[(2) The encouragement and support of national progress and scholarship in the humanities and the arts, while primarily a matter for private and local initiative, are also appropriate matters of concern to the Federal Government.

[(3) An advanced civilization must not limit its efforts to science and technology alone, but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

[(4) Democracy demands wisdom and vision in its citizens. It must therefore foster and support a form of education, and access to the arts and the humanities, designed to make people of all backgrounds and wherever located masters of their technology and not its unthinking servants.

[(5) It is necessary and appropriate for the Federal Government to complement, assist, and add to programs for the advancement of the humanities and the arts by local, State, regional, and private agencies and their organizations. In doing so, the Government must be sensitive to the nature of public sponsorship. Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money. Such funding should contribute to public support and confidence in the use of taxpayer funds. Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines.

¹ Effective October 1, 1998, this Act is repealed.

【(6) The arts and the humanities reflect the high place accorded by the American people to the nation's rich cultural heritage and to the fostering of mutual respect for the diverse beliefs and values of all persons and groups.

【(7) The practice of art and the study of the humanities require constant dedication and devotion. While no government can call a great artist or scholar into existence, it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry but also the material conditions facilitating the release of this creative talent.

【(8) The world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's high qualities as a leader in the realm of ideas and of the spirit.

【(9) Americans should receive in school, background and preparation in the arts and humanities to enable them to recognize and appreciate the aesthetic dimensions of our lives, the diversity of excellence that comprises our cultural heritage, and artistic and scholarly expression.

【(10) It is vital to a democracy to honor and preserve its multicultural artistic heritage as well as support new ideas, and therefore it is essential to provide financial assistance to its artists and the organizations that support their work.

【(11) To fulfill its educational mission, achieve an orderly continuation of free society, and provide models of excellence to the American people, the Federal Government must transmit the achievement and values of civilization from the past via the present to the future, and make widely available the greatest achievements of art.

【(12) In order to implement these findings and purposes, it is desirable to establish a National Foundation on the Arts and the Humanities.】

DEFINITIONS

SEC. 3. As used in this Act—

(a) * * *

(b) The term "the arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, film, video, tape and sound recording, the arts related to the presentation, performance, execution, and exhibition of such major art forms, all those traditional arts practiced by the diverse peoples of this 【country.】 *country*, and the study and application of the arts to the human environment.

(c) The term "production" means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, film, 【video, and tape】 *and video, tape*, and sound recordings, and any other activities involving the execution or rendition of the arts and meeting such standards as may be approved by the National Endowment for the Arts established by section 5 of this Act.

(d) The term “project” means programs organized to carry out the purposes of this Act, including programs to foster American artistic creativity, to commission works of art, to create opportunities for individuals to develop artistic talents when carried on as a part of a program otherwise included in this definition, and to develop and enhance public knowledge and understanding of the arts, and includes, where appropriate, rental or purchase of facilities, purchase or rental of land, and acquisition of equipment. Such term also includes—

(1) the renovation of facilities if (A) the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed \$250,000, or (B) two-thirds of the members of the National Council on the Arts or the National Council on the Humanities, as the case ~~may be~~ *may be*, (who are present and voting) approve of the grant or contract involving an expenditure for such purpose; and

(2) for purposes of ~~sections 5(l) and 7(h)~~ *sections 5(k) and 7(e)* only, the construction of facilities if (A) such construction is for demonstration purposes or under unusual circumstances where there is no other manner in which to accomplish an artistic or humanistic purpose, and (B) two-thirds of the members of the National Council on the ~~Arts and~~ *Arts* or the National Council on the Humanities, as the case may be, (who are present and voting) approve of the grant or contract involving an expenditure for such purpose.

* * * * *

ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE ARTS

SEC. 5. (a) There is established within the Foundation a National Endowment for the Arts.

(b)(1) The Endowment shall be headed by a chairperson, to be known as the Chairperson of the National Endowment for the Arts, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The term of office of the Chairperson shall be ~~four~~ 3 years and the Chairperson shall be eligible for reappointment. The provisions of this subsection shall apply to any person appointed to fill a vacancy in the office of Chairperson. Upon expiration of the Chairperson's term of office the Chairperson shall serve until the Chairperson's successor shall have been appointed and shall have qualified.

[(c) The Chairperson, with the advice of the National Council on the Arts, is authorized to establish and carry out a program of contracts with, or grants-in-aid or loans to, groups, or, in appropriate cases, individuals of exceptional talent engaged in or concerned with the arts, for the purpose of enabling them to provide or support—

[(1) projects and productions which have substantial national or international artistic and cultural significance, giving emphasis to American creativity and cultural diversity and to the maintenance and encouragement of professional excellence;

[(2) projects and productions, meeting professional standards of authenticity or tradition, irrespective of origin, which are of

significant merit and which, without such assistance, would otherwise be unavailable to our citizens for geographic or economic reasons;

[(3) projects and productions that will encourage and assist artists and enable them to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or to achieve standards of professional excellence;

[(4) projects and productions which have substantial artistic and cultural significance and that reach, or reflect the culture of, a minority, inner city, rural, or tribal community;

[(5) projects and productions that will encourage public knowledge, education, understanding, and appreciation of the arts;

[(6) workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens;

[(7) programs for the arts at the local level;

[(8) projects that enhance managerial and organizational skills and capabilities;

[(9) projects, productions, and workshops of the kinds described in paragraphs (1) through (8) through film, radio, video, and similar media, for the purpose of broadening public access to the arts; and

[(10) other relevant projects, including surveys, research, planning, and publications relating to the purposes of this subsection.

In the case of publications under paragraph (10) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44, United States Code, only if the Chairperson consults with the Joint Committee on Printing of the Congress and the Chairperson submits to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501. Any loans made by the Chairperson under this subsection shall be made in accordance with terms and conditions approved by the Secretary of the Treasury. In selecting individuals and groups of exceptional talent as recipients of financial assistance to be provided under this subsection, the Chairperson shall give particular regard to artists and artistic groups that have traditionally been underrepresented.

[(d)] (c) No payment shall be made under [this section] subsection (k)(1) except upon application therefor which is submitted to the National Endowment for the Arts in accordance with regulations issued and procedures established by the Chairperson. In establishing such regulations and procedures, the Chairperson shall ensure that—

(1) artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public; and

(2) applications are consistent with the purposes of [this section] subsection (k)(1). Such regulations and procedures shall clearly indicate that obscenity is without artistic merit, is not protected speech, and shall not be funded. Projects, productions, workshops, and programs that are determined to be ob-

scene are prohibited from receiving financial assistance under this Act from the National Endowment for the Arts.

The disapproval or approval of an application by the Chairperson shall not be construed to mean, and shall not be considered as evidence that, the project, production, workshop, or program for which the applicant requested financial assistance is or is not obscene.

[(e)] The total amount of any grant to any group pursuant to subsection (c) of this section shall not exceed 50 per centum of the total cost of such project or production, except that not more than 20 per centum of the funds allotted by the National Endowment for the Arts for the purposes of subsection (c) for any fiscal year may be available for grants and contracts in that fiscal year without regard to such limitation.

[(f)] (d) Any group shall be eligible for financial assistance pursuant to this section only if (1) no part of its net earnings inures to the benefit of any private stockholder or stockholders, or individual or individuals, and (2) donations to such group are allowable as a charitable contribution under the standards of subsection (c) of section 170 of the Internal Revenue Code of 1986.

[(g)] (e)(1) The Chairperson, with the advice of the National Council on the Arts, is authorized to establish and carry out a program of grants-in-aid to assist the several States in [supporting existing projects and productions which meet the standards enumerated in section 5(c) of this Act,] *supporting—*

(A) *projects and productions which have substantial national or international artistic and cultural significance, giving emphasis to American creativity and cultural diversity and to the maintenance and encouragement of professional excellence;*

(B) *projects and productions, meeting professional standards of authenticity or tradition, irrespective of origin, which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens for geographic or economic reasons;*

(C) *projects and productions that will encourage and assist artists and enable them to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or to achieve standards of professional excellence;*

(D) *projects and productions which have substantial artistic and cultural significance and that reach, or reflect the culture of, a minority, inner city, rural, or tribal community;*

(E) *projects and productions that will encourage public knowledge, education, understanding, and appreciation of the arts;*

(F) *workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens;*

(G) *programs for the arts at the local level;*

(H) *projects that enhance managerial and organizational skills and capabilities; and*

(I) *projects, productions, and workshops of the kinds described in subparagraphs (A) through (H) through film, radio, video, and similar media, for the purpose of broadening public access to the arts;*

and in developing projects and productions in the arts in such a manner as will furnish adequate programs, facilities, and services

in the arts to all the people and communities in each of the several States.

(2) In order to receive assistance under this subsection in any fiscal year, a State shall submit an application for such grants at such time as shall be specified by the Chairperson and accompany such applications with a plan which the Chairperson finds—

(A) * * *

(B) provides that funds paid to the State under this subsection will be expended solely on projects and productions approved by the State agency which carry out one or more of the objectives of [subsection (c)] *paragraph (1)*;

* * * * *

(3) Of the sums available to carry out this subsection for any fiscal year, each State which has a plan approved by the Chairperson shall be allotted at least \$200,000. If the sums appropriated are insufficient to make the allotments under the preceding sentence in full, such sums shall be allotted among such States in equal amounts. In any case where the sums available to carry out this subsection for any fiscal year are in excess of the amount required to make the allotments under the first sentence of this paragraph—

(A) * * *

(B) the amount of such excess, if any, which remains after reserving in full for the Chairperson the amount required under clause (A) shall be allotted among the States which have plans approved by the Chairperson in equal amounts; but in no event shall any State be allotted less than \$200,000.

* * * * *

(5) All amounts allotted or made available under paragraph (3) for a fiscal year which are not granted to a State during such year shall be available at the end of such year to the National Endowment for the Arts for the purpose of carrying out [section 5(c)] *subsection (k)(1)*.

[(h)] (f) Whenever the Chairperson, after reasonable notice and opportunity for hearing, finds that—

[(1)] a group is not complying substantially with the provisions of this section;

[(2)] (1) a State agency is not complying substantially with terms and conditions of its State plan approved under this section; or

[(3)] (2) any funds granted to a [group or] State agency under this section have been diverted from the purposes for which they were allotted or paid,

the Chairperson shall immediately notify the Secretary of the Treasury and the [group or] State agency with respect to which such finding was made that no further grants will be made under this section to such [group or] agency until there is no longer any default or failure to comply or the diversion has been corrected, or, if compliance or correction is impossible, until such [group or] agency repays or arranges the repayment of the Federal funds which have been improperly diverted or expended.

[(i)] (g) It shall be a condition of the receipt of financial assistance provided under this section by the Chairperson or the State

agency that the applicant for such assistance include in its application—

(1) * * *

* * * * *

[(j)] The Chairperson shall issue regulations to provide for the distribution of financial assistance to recipients in installments except in those cases where the Chairperson determines that installments are not practicable. In implementing any such installments, the Chairperson shall ensure that—

[(1)] not more than two-thirds of such assistance may be provided at the time such application is approved; and

[(2)] the remainder of such assistance may not be provided until the Chairperson finds that the recipient of such assistance is complying substantially with this section and with the conditions under which such assistance is provided to such recipient.

[(k)] (h) The Inspector General of the Endowment shall conduct appropriate reviews to ensure that recipients of financial assistance under this section comply with the regulations under this Act that apply with respect to such assistance, including regulations relating to accounting and financial matters.

[(l)] (i)(1) If, after reasonable notice and opportunity for a hearing on the record, the Chairperson determines that a recipient of financial assistance provided under this section by the Chairperson or any non-Federal entity, used such financial assistance for a project, production, workshop, or program that is determined to be obscene, then the Chairperson shall require that until such recipient repays such assistance (in such amount, and under such terms and conditions, as the Chairperson determines to be appropriate) to the [Endowment;] *Endowment*, no subsequent financial assistance be provided under this section to such recipient.

* * * * *

[(m)] It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that (1) all professional performers and related or supporting professional personnel (other than laborers and mechanics with respect to whom labor standards are prescribed in subsection (n) of this section) employed on projects or productions which are financed in whole or in part under this section will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined by the Secretary of Labor to be the prevailing minimum compensation for persons employed in similar activities; and (2) no part of any project or production which is financed in whole or in part under this section will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production. Compliance with the safety and sanitary laws of the State in which the performance or part thereof is to take place shall be prima facie evidence of compliance. The Secretary of Labor shall have the authority to prescribe standards, regulations, and proce-

dures as the Secretary of Labor may deem necessary or appropriate to carry out the provisions of this subsection.

[(n)] It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

[(o)] (j) The Chairperson shall correlate the programs of the National Endowment for the Arts insofar as practicable, with existing Federal programs and with those undertaken by other public agencies or private groups, and shall develop the programs of the Endowment with due regard to the contribution to the objectives of this Act which can be made by other Federal agencies under existing programs. The Chairperson may enter into interagency agreements to promote or assist with the arts-related activities of other Federal agencies, on a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated for the purposes of [subsection (c)] section 5(k)(1) for the costs of such activities.

[(p)] (k)(1) The Chairperson of the National Endowment for the Arts, with the advice of the National Council on the Arts, is authorized, in accordance with the provisions of this subsection, to establish and carry out a program of contracts with, or grants-in-aid to, public agencies and private nonprofit organizations, on a national, State, or local level, for the purpose of strengthening quality by—

(A) * * *

* * * * *

(D) providing additional support for cooperative efforts undertaken by State arts agencies with local arts groups and local arts agencies to promote effective arts activity at the State and local level, including—

[(i)] support of professional artists in community based residencies;

[(ii)] (i) support of rural arts development;

[(iii)] (ii) support of and models for regional, statewide, or local organizations to provide technical assistance to cultural organizations and institutions;

[(iv)] (iii) support of and models for visual and performing arts touring; and

[(v)] (iv) support of and models for professional staffing of arts organizations and for stabilizing and broadening the financial base for arts organizations;

* * * * *

(2) **[(A)]** The Chairperson of the National Endowment for the Arts, with the advice of the National Council on the Arts, is authorized in accordance with this subsection, to establish and carry out a program of contracts with, or grants to, States for the purposes of—

[(i)] (A) raising the artistic capabilities of developing arts organizations by providing for—

[(I)] (i) artistic and programmatic development to enhance artistic capabilities, including staff development; and

[(II)] (ii) technical assistance to improve managerial and organizational skills, financial systems management, and long-range fiscal planning; and

[(ii)] (B) stimulating artistic activity and awareness and broadening public access to the arts in rural and innercity areas and other areas that are underserved artistically.

[(B)] For purposes of providing financial assistance under this paragraph, the Chairperson shall give priority to the activities described in subparagraph (A)(i).

[(C)] The Chairperson may not provide financial assistance under this paragraph to a particular applicant in more than 3 fiscal years for the purpose specified in subparagraph (A)(i).

[(3)] The total amount of any payment made under this subsection for a program or project may not exceed 50 per centum of the cost of such program or project.

(3)(A) The total amount of any payment made under paragraph (1) for a program or project may not exceed 25 percent of the cost of such program or project.

(B) The total amount of any payment made under paragraph (2) for a program or project may not exceed 50 percent of the cost of such program or project.

(4) In carrying out the program authorized by this subsection, the Chairperson of the National Endowment for the Arts shall have the same authority as is established in **[(subsection (c) and)]** section 10.

[(q)] (I) The Chairperson of the National Endowment for the Arts shall, in ongoing consultation with State and local agencies, relevant organizations, and relevant Federal agencies, continue to develop and implement a practical system of national information and data collection and public dissemination on the arts, artists and arts groups, and their audiences. Such system shall include artistic and financial trends in the various artistic fields, trends in audience participation, and trends in arts education on national, regional, and State levels. Such system shall also include information regarding the availability of the arts to various audience segments, including rural communities. Such system shall be used, along with a summary of the data submitted with State plans under **[(subsection (g)]** *subsection (e)*, to prepare a periodic report on the state of the arts in the Nation. The state of the arts report shall include a description of the availability of the Endowment's programs to emerging, rural, and culturally diverse artists, arts organizations, and communities and of the participation by such artists, organizations, and communities in such programs. The state of the arts report shall be submitted to the President and the Con-

gress, and provided to the States, not later than October 1, 1992, and quadrennially thereafter.

ACCESS TO THE ARTS THROUGH SUPPORT OF EDUCATION

SEC. 5A. (a) * * *

(b) The Chairperson of the National Endowment for the [Arts,] *Arts* is authorized to establish and carry out a program of contracts with, or grants to, any State or other public agency, individual, artist, any nonprofit society, performing and nonperforming arts and educational institution or organization, association, or museum in the United States, in order to foster and encourage exceptional talent, public knowledge, understanding, and appreciation of the arts, and to support the education, training, and development of this Nation's artists, through such [activities as] *activities and* projects that will—

(1) * * *

* * * * *

NATIONAL COUNCIL ON THE ARTS

SEC. 6. (a) * * *

* * * * *

(f) The Council shall advise the Chairperson with respect to policies, programs, and procedures for carrying out the Chairperson's functions, duties, or responsibilities under this Act, and review applications for financial assistance under this Act and make recommendations to the Chairperson with respect to the approval of each application and the amount of financial assistance (if any) to provide to each applicant. The Council shall make recommendations to the Chairperson concerning—

(1) whether to approve particular applications for financial assistance under [subsections (c) and (p) of section 5] *section 5(k)* that are determined by panels under section 10(c) to have artistic excellence and artistic merit; and

(2) the amount of financial assistance the Chairperson should provide with respect to each such application the Council recommends for approval.

The Chairperson shall not approve or disapprove any such application until the Chairperson has received the recommendation of the Council on such application. The Chairperson shall have final authority to approve each application[, except that the Chairperson may only provide to an applicant the amount of financial assistance recommended by the Council and may not approve an application with respect to which the Council makes a negative recommendation. In the case of an application involving \$30,000 or less, the Chairperson may approve or disapprove such request if such action is taken pursuant to the terms of an expressed and direct delegation of authority from the Council to the Chairperson, and provided that each such action by the Chairperson shall be reviewed by the Council, and that such action shall be used with discretion and shall not become a normal practice of providing assistance under such subsections, except that the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount

equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (A) of paragraph (1) of section 11(a)].

ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE
HUMANITIES

SEC. 7. (a) There is established within the Foundation the National Endowment for the Humanities.

(b)(1) The Endowment shall be headed by a chairperson, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The term of office of the Chairperson shall be **four** 3 years, and the Chairperson shall be eligible for reappointment. The provisions of this paragraph shall apply to any person appointed to fill a vacancy in the office of the Chairperson. Upon expiration of the Chairperson's term of office the Chairperson shall serve until the Chairperson's successor shall have been appointed and shall have qualified.

[(c) The Chairperson, with the advice of the National Council on the Humanities (hereinafter established), is authorized to enter into arrangements, including contracts, grants, loans, and other forms of assistance, to—

[(1) develop and encourage the pursuit of a national policy for the promotion of progress and scholarship in the humanities;

[(2) initiate and support research and programs to strengthen the research and teaching potential of the United States in the humanities by making arrangements with individuals or groups to support such activities; any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;

[(3) initiate and support training and workshops in the humanities by making arrangements with institutions or individuals (fellowships awarded to individuals under this authority may be for the purpose of study or research at appropriate non-profit institutions selected by the recipient of such aid, for stated periods of time);

[(4) initiate and support programs and research which have substantial scholarly and cultural significance and that reach, or reflect the diversity and richness of our American cultural heritage, including the culture of, a minority, inner city, rural, or tribal community;

[(5) foster international programs and exchanges;

[(6) foster the interchange of information in the humanities;

[(7) foster, with groups, education in, and public understanding and appreciation of the humanities;

[(8) support the publication of scholarly works in the humanities;

[(9) insure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons; and

[(10) foster programs and projects that provide access to, and preserve materials important to research, education, and public understanding of, the humanities.

In the case of publications under clause (8) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44, United States Code, only if the Chairperson consults with the Joint Committee on Printing of the Congress and the Chairperson submits to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501. In selecting individuals and groups of exceptional talent as recipients of financial assistance to be provided under this subsection, the Chairperson shall give particular regard to scholars, and educational and cultural institutions, that have traditionally been underrepresented.

[(d)] (c) The Chairperson shall coordinate the programs of the National Endowment for the Humanities, insofar as practicable, with existing Federal programs, designated State humanities agencies and with those undertaken by other public agencies or private groups, and shall develop the programs of the Endowment with due regard to the contribution to the objectives of this Act which can be made by other Federal agencies under existing programs.

[(e)] The total amount of any grant under subsection (c)(3) to any group engaging in workshop activities for which an admission or other charge is made to the general public shall not exceed 30 per centum of the total cost of such activities.

[(f)] (d)(1) The Chairperson, with the advice of the National Council on the Humanities, is authorized, in accordance with the provisions of this subsection, to establish and carry out a program of grants-in-aid in each of the several States in order to support not more than 50 per centum of the [cost of existing activities which meet the standards enumerated in subsection (c) of this section,] cost of activities—

(A) to develop and encourage the pursuit of a national policy for the promotion of progress and scholarship in the humanities;

(B) to initiate and support research and programs to strengthen the research and teaching potential of the United States in the humanities by making arrangements with individuals or groups to support such activities; any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;

(C) to initiate and support training and workshops in the humanities by making arrangements with institutions or individuals (fellowships awarded to individuals under this authority may be for the purpose of study or research at appropriate non-profit institutions selected by the recipient of such aid, for stated periods of time);

(D) to initiate and support programs and research which have substantial scholarly and cultural significance and that reach, or reflect the diversity and richness of our American cultural heritage, including the culture of a minority, inner city, rural, or tribal community;

(E) to foster international programs and exchanges;

(F) to foster the interchange of information in the humanities;

(G) to foster, with groups, education in, and public understanding and appreciation of the humanities;

(H) to support the publication of scholarly works in the humanities;

(I) to insure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons; and

(J) to foster programs and projects that provide access to, and preserve materials important to research, education, and public understanding of, the humanities;

and in order to develop a program in the humanities in such a manner as will furnish adequate programs in the humanities in each of the several States.

* * * * *

(2)(A) Whenever a State desires to designate or to provide for the establishment of a State agency as the sole agency for the administration of the State plan, such State shall designate the humanities council in existence on the date the State agency is established as the State agency, and shall match from State funds a sum equal to 50 per centum of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) relating to the minimum State grant, or 25 per centum of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved. In any State in which the State selects the option described in this subparagraph, the State shall submit, before the beginning of each fiscal year, an application for grants and accompany such application with a plan which the Chairperson finds—

(i) * * *

* * * * *

(vi) provides that the State agency will make such reports, in such form and containing such information, as the **Chairman** *Chairperson* may require, including a description of the progress made toward achieving the goals of the State plan;

* * * * *

(3) Whenever a State selects to receive Federal financial assistance under this subsection for any fiscal year under paragraph (2)(B), any appropriate entity desiring to receive such assistance shall submit an application for such assistance at such time as shall be specified by the Chairperson. Each such application shall be accompanied by a plan which the Chairperson finds—

(A) provides assurances that the grant recipient will comply with the requirements of paragraph (2)(B);

(B) provides that funds paid to the grant recipient will be expended solely on programs which carry out the objectives of **subsection (c)** *paragraph (1)*;

* * * * *

(6) All amounts allotted or made available under paragraph (4) for a fiscal year which are not granted to any entity during such fiscal year shall be available to the National Endowment for the

Humanities for the purpose of carrying out [subsection (c)] *subsection (e)(1)*.

* * * * *

[(g)] It shall be a condition of the receipt of any grant under this section that the group, individual, or State agency or entity receiving such grant furnish adequate assurances to the Secretary of Labor that (1) all professional performers and related or supporting professional personnel employed on projects or productions which are financed in whole or in part under this section will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined by the Secretary of Labor to be the prevailing minimum compensation for persons employed in similar activities; and (2) no part of any project or production which is financed in whole or in part under this section will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production. Compliance with the safety and sanitary laws of the State in which the performance or part thereof is to take place shall be prima facie evidence of compliance. The Secretary of Labor shall prescribe standards, regulations, and procedures necessary to carry out this subsection.

[(h)] (e)(1) The Chairperson of the National Endowment for the Humanities, with the advice of the National Council on the Humanities, is authorized, in accordance with the provisions of this subsection, to establish and carry out a program of contracts with, or grants-in-aid to, public agencies and private nonprofit organizations for the purpose of—

(A) * * *

* * * * *

(2)(A) Except as provided in subparagraph (B) of this paragraph, the total amount of any payment made under this subsection for a program or project may not exceed [50] 25 per centum of the cost of such program or project.

(B) The Chairperson, with the advice of the Council, may waive all or part of the requirement of matching funds provided in subparagraph (A) of this paragraph, but only for the purposes described in clause (F) of paragraph (1), whenever he determines that highly meritorious proposals for grants and contracts under such clause, could not otherwise be supported from non-Federal sources or from Federal sources [other than funds authorized by section 11(a)(3)], unless such matching requirement is waived. Such waiver may not exceed 15 per centum of the amount appropriated in any fiscal year and available to the National Endowment for the Humanities for the purpose of this subsection.

(3) In carrying out the program authorized by this subsection, the Chairperson of the National Endowment for the Humanities shall have the same authority as is established in [section 7(c) and] section 10.

[(i)] (f) The Chairperson may enter into interagency agreements to promote or assist with the humanities-related activities of other Federal agencies, on either a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated for the

purposes of **【subsection (c)】** *subsection (e)(1)* for the costs of such activities.

【(j)】 It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State, State agency, or entity receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 FR 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

【(k)】 *(g)* The Chairperson of the National Endowment for the Humanities shall, in ongoing consultation with State and local agencies, other relevant organizations, and relevant Federal agencies, continue to develop and implement a practical system of national information and data collection and public dissemination on the humanities, scholars, educational and cultural groups, and their audiences. Such system shall include cultural and financial trends in the various humanities fields, trends in audience participation, and trends in humanities education on national, regional, and State levels. Such system shall be used, along with a summary of the data submitted with plans under **【subsection (f)】** *subsection (d)*, to prepare a report on the state of the humanities in the Nation. The state of the humanities report shall include a description of the availability of the Endowment's programs to emerging and culturally diverse scholars, cultural and educational organizations, and communities and of the participation of such scholars, organizations, and communities in such programs. The state of the humanities report shall be submitted to the President and the Congress, and provided the States, not later than October 1, 1992, and quadrennially thereafter.

【(l)】 *(h)* Any group shall be eligible for financial assistance under this section only if—

(1) no part of its net earnings inures to the benefit of any private stockholder or stockholders, or individual or individuals; and

(2) donations to such group are allowable as a charitable contribution under the standards of section 170(c) of the Internal Revenue Code of 1986.

【(m)】 The Chairperson, with the advice of the National Council on the Humanities, is authorized to make the following annual awards:

【(1)】 The Jefferson Lecture in the Humanities Award to one individual for distinguished intellectual achievement in the humanities. The annual award shall not exceed \$10,000.

【(2)】 The Charles Frankel Prize to honor individuals who have made outstanding contributions to the public understanding of the humanities. Not more than 5 individuals may receive such prize each year. Each prize shall not exceed \$5,000.]

ESTABLISHMENT OF THE NATIONAL COUNCIL ON THE HUMANITIES

SEC. 8. (a) There is established in the National Endowment for the Humanities a National Council on the Humanities.

(b) The Council shall be composed of the **【Chairman】** *Chairperson* of the National **【Endowment on】** *Endowment for the Humanities*, who shall be the **【Chairman】** *Chairperson* of the Council, and twenty-six other members appointed by the President, by and with the advice and consent of the Senate, from private life. Such members shall be individuals who (1) are selected from among private citizens of the United States who are recognized for their broad knowledge of, expertise in, or commitment to the humanities, and (2) have established records of distinguished service and scholarship or creativity and in a manner which will provide a comprehensive representation of the views of scholars and professional practitioners in the humanities and of the public throughout the United States. The President is requested in the making of such appointments to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations concerned with the humanities. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the humanities.

* * * * *

(f) The Council shall (1) advise the Chairperson with respect to policies, programs, and procedures for carrying out the Chairperson's functions, and (2) shall review applications for financial support and make recommendations thereon to the Chairperson. The Chairperson shall not approve or disapprove any such application until the Chairperson has received the recommendation of the Council on such application, unless the Council fails to make a recommendation thereon within a reasonable time. **【In the case of any application involving \$30,000, or less, the Chairperson may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairperson, and provided that each such action by the Chairperson shall be reviewed by the Council: *Provided*, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (B) of paragraph (1) of section 11(a).】** *The Chairperson shall have final authority to approve each application.*

ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

SEC. 9. (a) There is established within the Foundation a Federal Council on the Arts and the Humanities.

(b) The Council shall be composed of the Chairperson of the National Endowment for the Arts, the Chairperson of the National Endowment for the Humanities, the Director of the Institute of Museum Services, the Secretary of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gal-

lery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, the Assistant Secretary for Aging, a member designated by the [Secretary of State] *Director of the United States Information Agency*, and a member designated by the Secretary of the Interior, a member designated by the Chairman of the Senate Commission on Art and Antiquities, and a member designated by the Speaker of the House. The President shall designate the presiding officer of the Council from among the members. The President is authorized to change the membership of the Council from time to time as the President deems necessary to meet changes in Federal programs or executive branch organization.

* * * * *

ADMINISTRATIVE PROVISIONS

SEC. 10. (a) In addition to any authorities vested in them by other provisions of this Act, the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities, in carrying out their respective functions, shall each have authority—

(1) to prescribe such regulations as the Chairperson deems necessary governing the manner in which the Chairperson's functions shall be carried out;

(2) in the discretion of the Chairperson of an Endowment, after receiving the recommendation of the National Council of that Endowment, to receive money and other property donated, bequeathed, or devised to that Endowment with or without a condition or restriction, including a condition that the Chairperson use other funds of that Endowment for the purposes of the gift, except that a Chairperson may receive a gift without a recommendation from the Council to provide support for any application or project which can be approved without Council recommendation under the provisions of sections 6(f) and 8(f), and may receive a gift of \$15,000, or less, without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time, and to use, sell, or otherwise dispose of such property for the purpose of carrying out [sections 5(c) and 7(c)] *sections 5 and 7*;

* * * * *

(5) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by law [(5 U.S.C. 73b-2)] (*5 U.S.C. 5703*) for persons in the Government service employed without compensation;

* * * * *

(b)(1) In any case in which any money or other property is donated, bequeathed, or devised to the Foundation without designation of the Endowment for the benefit of which such property is intended, and without condition or restriction other than that it be used for the purposes of the Foundation, such property shall be deemed to have been donated, bequeathed, or devised in equal

shares to each Endowment and each Chairperson of an Endowment shall have authority to receive such property.

(2) In any case in which any money or other property is donated, bequeathed, or devised to the Foundation with a condition or restriction, such property shall be deemed to have been donated, bequeathed, or devised to that Endowment whose function it is to carry out the purpose or purposes described or referred to by the terms of such condition or restriction, and each Chairperson of an Endowment shall have authority to receive such property.

(3) For the purposes of the preceding sentence, if one or more of the purposes of such a condition or restriction is covered by the functions of both Endowments, or if some of the purposes of such a condition or restriction are covered by the functions of one Endowment and other of the purposes of such a condition or restriction are covered by the functions of the other Endowment, the Federal Council on the Arts and the Humanities shall determine an equitable manner for distribution between each of the Endowments of the property so donated, bequeathed, or devised. **[For the purposes of the income tax]**

(4) *For the purposes of the income tax, gift tax, and estate tax laws of the United States, any money or other property donated, bequeathed, or devised to the Foundation or one of its Endowments and received by the Chairperson of an Endowment pursuant to authority derived under this subsection shall be deemed to have been donated, bequeathed, or devised to or for the use of the United States.*

(c) The Chairperson of the National Endowment for the Arts shall utilize advisory panels to review applications, and to make recommendations to the National Council on the Arts in all cases except cases in which the Chairperson exercises authority delegated under section 6(f). When reviewing applications, such panels shall recommend applications for projects, productions, and workshops solely on the basis of artistic excellence and artistic merit. *Such panels shall recommend for approval or disapproval, and shall make comments on, all applications for projects, productions, and workshops based on artistic excellence and artistic merit (or the lack thereof), but shall not recommend any projects or productions determined to be obscene.* The Chairperson shall issue regulations and establish procedures—

(1) to ensure that all panels are composed, to the extent practicable, of individuals reflecting a wide geographic, ethnic, and minority representation as well as individuals reflecting diverse artistic and cultural points of view;

(2) to ensure that **[all panels include representation of]** *not less than 20 percent of the members, and at least 1 member, of each of such panels are lay individuals who are knowledgeable about the arts but who are not engaged in the arts as a profession and are not members of either artists' organizations or arts organizations;*

(3) to ensure that, when feasible, the procedures used by panels to carry out their responsibilities are standardized;

(4) to require panels—

(A) *open all meetings and discussions of such panels to the public;*

[(A)] (B) to create written records summarizing—

- (i) all meetings and discussions of such panel; and
- (ii) the recommendations made by such panel to the Council; and

[(B)] (C) to make such records available to the public in a manner that protects the privacy of individual applicants and panel members;

(5) to require, when necessary and feasible, the use of site visitations to view the work of the applicant and deliver a written report on the work being reviewed, in order to assist panelists in making their recommendations; and

(6) to require that the membership of each panel change substantially from year to year and to provide that each individual is ineligible to serve on a panel [for more than 3 consecutive years] *both for more than 2 consecutive years and in any 2 consecutive 2-year periods.*

In making appointments to panels, the Chairperson shall ensure that an individual who has a pending application for financial assistance under this Act, or who is an employee or agent of an organization with a pending application, does not serve as a member of any panel before which such application is pending. The prohibition described in the preceding sentence shall commence with respect to such individual beginning on the date such application is submitted and shall continue for so long as such application is pending.

* * * * *

(f)(1) The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall conduct a post-award evaluation of projects, productions, and programs for which financial assistance is provided by their respective Endowments under [sections 5(c) and 7(c)] *sections (5)(k)(1) and (7)(e)(1).* Such evaluation may include an audit to determine the accuracy of the reports required to be submitted by recipients under clauses (i) and (ii) of paragraph (2)(A). As a condition of receiving such financial assistance, a recipient shall comply with the requirements specified in paragraph (2) that are applicable to the project, production, or program for which such financial assistance is received.

* * * * *

(3) If such recipient substantially fails to satisfy the purposes for which such financial assistance is provided and the criteria specified in [subsection (c)(3)(A)] *paragraph (2)(A)*, as determined by the Chairperson of the Endowment that provided such financial assistance, then such Chairperson may—

(A) * * *

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. [(a)(1)(A)(i)] For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts \$125,800,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993.

[(ii) For fiscal years—

[(I) 1991 and 1992 not less than 25 percent of the amount appropriated for the respective fiscal year; and

[(II) 1993 not less than 27.5 percent of the amount appropriated for such fiscal year;
shall be for carrying out section 5(g).

[(iii) For fiscal years—

[(I) 1991 and 1992 not less than 5 percent of the amount appropriated for the respective fiscal year; and

[(II) 1993 not less than 7.5 percent of the amount appropriated for such fiscal year;
shall be for carrying out programs under section 5(p)(2) (relating to programs to expand public access to the arts in rural and innercity areas). Not less than 50 percent of the funds required by this clause to be used for carrying out such programs shall be used for carrying out such programs in rural areas.

[(B) For the purpose of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities \$119,900,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993. Of the sums so appropriated for any fiscal year, not less than 20 per centum shall be for carrying out section 7(f).

[(2)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1993, to the National Endowment for the Arts an amount equal to the sum of—

[(i) the total amounts received by such Endowment under section 10(a)(2), including the value of property donated, bequeathed, or devised to such Endowment; and

[(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out projects and other activities under paragraph (1) through paragraph (10) of section 5(c);

except that the amounts so appropriated to the National Endowment for the Arts shall not exceed \$13,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993.

[(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1993, to the National Endowment for the Humanities an amount equal to the sum of—

[(i) the total amounts received by such Endowment under section 10(a)(2), including the value of property donated, bequeathed, or devised to such Endowment; and

[(ii) the total amounts received by the grantees and subgrantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees and subgrantees, for use in carrying out activities under paragraph (1) through paragraph (10) of section 7(c);

except that the amounts so appropriated to the National Endowment for the Humanities shall not exceed \$12,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993.

[(3)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1993, to the National Endowment for the Arts an amount equal to the sum of—

[(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 5(p)(1) pursuant to the authority of section 10(a)(2); and

[(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 5(p)(1);

except that the amounts so appropriated to such Endowment shall not exceed \$15,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993.

[(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1993, to the National Endowment for the Humanities an amount equal to the sum of—

[(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 7(h)(1) pursuant to the authority of section 10(a)(2); and

[(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 7(h)(1);

except that the amounts so appropriated to such Endowment shall not exceed \$15,150,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993.

[(C) Sums appropriated pursuant to subparagraph (A) and subparagraph (B) for any fiscal year shall remain available for obligation and expenditure until expended.

[(4) The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities, as the case may be, shall issue guidelines to implement the provisions of paragraph (2) and paragraph (3). Such guidelines shall be consistent with the requirements of section 5(e), section 5(l)(2), section 7(f), and section 7(h)(2), as the case may be, regarding total Federal support of activities, programs, projects, or productions carried out under authority of this Act.] *(a)(1)(A) For the purpose of carrying out section 5, there are authorized to be appropriated to the National Endowment for the Arts \$97,500,000 for fiscal year 1996, \$58,500,000 for fiscal year 1997, and \$46,800,000 for fiscal year 1998.*

(B) Subject to subsection (c)(1), of the amount appropriated under subparagraph (A) for each fiscal year—

(i) 80 percent shall be available to carry out section 5(e); and

(ii) 20 percent shall be available to carry out section 5(k), which shall include not less than 10 percent to carry out section 5(k)(2).

(2)(A) For the purpose of carrying out section 7, there are authorized to be appropriated to the National Endowment for the Human-

ities \$137,920,000 for fiscal year 1996, \$110,340,000 for fiscal year 1997, and \$88,270,000 for fiscal year 1998.

(B) Subject to subsection (c)(2), of the amount appropriated under subparagraph (A) for each fiscal year—

- (i) 80 percent shall be available to carry out section 7(d); and
- (ii) 20 percent shall be available to carry out section 7(e).

(3)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1997, to the National Endowment for the Arts an amount equal to the sum of—

(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 5(k)(1) pursuant to the authority of section 10(a)(2); and

(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 5(k)(1).

(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1997, to the National Endowment for the Humanities an amount equal to the sum of—

(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 7(e)(1) pursuant to the authority of section 10(a)(2); and

(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 7(e)(1).

(C) Sums appropriated pursuant to subparagraphs (A) and (B) for any fiscal year shall remain available for obligation and expenditure until expended.

(D) The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities, as the case may be, shall issue guidelines to implement subparagraphs (A) and (B). Such guidelines shall be consistent with the requirements of section 5(k) and section 7(e), as the case may be, regarding total Federal support of activities, programs, projects, or productions carried out under authority of this Act.

* * * * *

(c)(1) [There are authorized to be appropriated to the National Endowment for the Arts \$21,200,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993,] *Of the amount appropriated under subsection (a)(1)(A) for each fiscal year, not more than \$5,000,000 shall be available to administer the provisions of this Act, or any other program for which the Chairperson of the National Endowment for the Arts is responsible, including not to exceed \$50,000 for each such fiscal year for official reception and representation expenses. [The total amount which may be obligated or expended for such expenses for fiscal year 1995 through the use of appropriated funds or any other source of funds shall not exceed \$100,000.]*

(2) [There are authorized to be appropriated to the National Endowment for the Humanities \$17,950,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993,] *Of the amount appropriated under subsection (a)(2)(A) for each fiscal year, not more than \$5,000,000 shall be available to administer the provisions of this Act, or any other program for which the Chairperson of the National Endowment for the Humanities is responsible, including not to exceed \$50,000 for each such fiscal year for official reception and representation expenses. [The total amount which may be obligated or expended for such expenses for fiscal year 1995 through the use of appropriated funds or any other source of funds shall not exceed \$100,000.]*

(d)(1) The total amount of appropriations to carry out the activities of the National Endowment for the Arts shall not [exceed—

[(A) \$167,060,000 for fiscal year 1986,

[(B) \$170,206,400 for fiscal year 1987, and

[(C) \$177,014,656 for fiscal year 1988.] *exceed \$97,500,000 for fiscal year 1996, \$58,500,000 for fiscal year 1997, and \$46,800,000 for fiscal year 1998.*

(2) The total amount of appropriations to carry out the activities for the National Endowment for the Humanities shall not [exceed—

[(A) \$139,878,000 for fiscal year 1986,

[(B) \$145,057,120 for fiscal year 1987, and

[(C) \$150,859,405 for fiscal year 1988.] *exceed \$137,920,000 for fiscal year 1996, \$110,340,000 for fiscal year 1997, and \$88,270,000 for fiscal year 1998.*

(f)(1) Subject to subparagraph (2), in any fiscal year in which the aggregate amount appropriated to the National Endowment for the Arts exceeds [\$175,000,000] *\$105,000,000*, 50 percent of such excess shall be available to carry out section 5A.

MUSEUM SERVICES ACT

NATIONAL MUSEUM SERVICES BOARD

SEC. 204. (a)(1) * * *

(2)(A) In addition to members appointed by the President under paragraph (1), the following persons shall serve as members of the Board—

[(i) the Chairperson of the National Endowment for the Arts;

[(ii) the Chairperson of the National Endowment for the Humanities;

[(iii)] *(i)* the Secretary of the Smithsonian Institution; and

[(iv)] *(ii)* the Director of the National Science Foundation.

DIRECTOR OF THE INSTITUTE

SEC. 205. (a) * * *

(b) The Director shall advise the Board regarding policies of the Institute to assure coordination of the Institute's activities with other agencies and organizations of the Federal Government having interest in and responsibilities for the improvement of museums. Such Government agencies shall include [the National Endowment for the Arts, the National Endowment for the Humanities,] the National Science Foundation, appropriate units in the Department of Education, the Library of Congress, and the Smithsonian Institution and related organizations.

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 209. (a) For the purpose of making grants under section 206 (a), there are authorized to be appropriated [\$24,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993] *\$28,770,000 for each of the fiscal years 1996, 1997, and 1998.*

* * * * *

(d) For the purpose of enabling the Institute to carry out its functions under this title, there is authorized to be appropriated for each fiscal year ending before October 1, [1993] *1998*, an amount equal to the amount contributed during such fiscal year period to the Institute under section 207.

[(e)(1) Subject to paragraph (2), there are authorized to be appropriated \$1,000,000 for each of two fiscal years to carry out section 211.

[(2) Paragraph (1) shall not be effective for any fiscal year for which the amount appropriated under subsection (a) is less than \$24,000,000.]

* * * * *

[ASSESSMENT OF CERTAIN MUSEUMS

[SEC. 211. The Director, subject to the policy direction of the Board and in consultation with appropriate representatives of the museum and cultural communities shall undertake an assessment of the needs of small, emerging, minority, and rural museums. The assessment, to be completed and presented to Congress within two years of enactment, shall include but not necessarily be limited to, the following subjects:

[(1) The need for resources to identify, collect, document, research, preserve and interpret tangible and nontangible collections and to communicate with and involve their own communities and the general public.

[(2) The personnel staffing and training needs for small, emerging, minority, and rural museums, including needs for professional positions and for the community persons employed or utilized by museums who are expert in the history, culture, customs, and other human resources of the communities.

[(3) The building and construction needs, including impediments to accessing Federal and non-Federal funds for this purpose.

[(4) The maintenance, operation and repair needs, including impediments to accessing Federal and non-Federal funds for these purposes.

[(5) The status of the museums' current collections and the museums' interest in accessing, through gift, purchase, repatriation or borrowing, objects now held privately or in public collections.

[(b) As used in this subsection—

[(1) the term “small, emerging, minority, and rural museums” includes tribal museums and museums of other ethnic and cultural groups; and

[(2) the term “Indian tribe” has the meaning given in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(b)).]

* * * * *

SECTION 601 OF THE ARTS, HUMANITIES, AND MUSEUMS AMENDMENTS OF 1985

SEC. 601. AUTHORITY FOR POET LAUREATE CONSULTANT IN POETRY.

(a) * * *

* * * * *

[(c) POETRY PROGRAM.—(1) The Chairperson of the National Endowment for the Arts, with the advice of the National Council on the Arts, shall annually sponsor a program at which the Poet Laureate Consultant in Poetry will present a major work or the work of other distinguished poets.

[(2) There are authorized to be appropriated to the National Endowment for the Arts \$10,000 for the fiscal year 1987 and for each succeeding fiscal year ending prior to October 1, 1990, for the purpose of carrying out this subsection.]

SECTION 5314 OF TITLE 5, UNITED STATES CODE

§ 5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Solicitor General of the United States.

Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, Under Secretary of Commerce for Export Administration and Under Secretary of Commerce for Travel and Tourism.

Under Secretaries of State (5).

Under Secretaries of the Treasury (3).

Administrator of General Services.

* * * * *

[Chairman of the National Endowment for the Arts the incumbent of which also serves as Chairman of the National Council on the Arts.

【Chairman of the National Endowment for the Humanities.】

* * * * *

SECTION 8G OF THE INSPECTOR GENERAL ACT OF 1978

REQUIREMENTS FOR FEDERAL ENTITIES AND DESIGNATED FEDERAL ENTITIES

SEC. 8G. (a) Notwithstanding section 11 of this Act, as used in this section—

(1) * * *

(2) the term “designated Federal entity” means Amtrak, the Appalachian Regional Commission, the Board of Governors of the Federal Reserve System, the Board for International Broadcasting, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Corporation for Public Broadcasting, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Federal Housing Finance Board, the Federal Labor Relations Authority, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Legal Services Corporation, the National Archives and Records Administration, the National Credit Union Administration, 【the National Endowment for the Arts, the National Endowment for the Humanities,】 the National Labor Relations Board, the National Science Foundation, the Panama Canal Commission, the Peace Corps, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, the Smithsonian Institution, the Tennessee Valley Authority, the United States International Trade Commission, and the United States Postal Service;

* * * * *

SECTION 907 OF THE NATIONAL PARKS AND RECREATION ACT OF 1978

SEC. 907. (a) There is established the Delta Region Preservation Commission (hereinafter referred to as the “Commission”), which shall consist of the following:

(1) * * *

* * * * *

【(7) one member appointed by the Chairman of the National Endowment for the Arts; and】

【(8)】 (7) two members appointed by the Secretary from recommendations submitted by the Police Jury of Saint Bernard Parish【.】; and

(8) one member who shall have experience as a folklorist and who is familiar with the cultures of the Mississippi Delta Region appointed by the Secretary of the Smithsonian Institution.

* * * * *

SECTION 3 OF THE WOODROW WILSON MEMORIAL ACT OF 1968

THE CENTER AND THE BOARD OF TRUSTEES

SEC. 3. (a) * * *

(b) The Board of Trustees shall be composed of 19 members as follows:

- (1) the Secretary of State;
- (2) the Secretary of Health and Human Services;
- (3) the Secretary of Education;
- [(4)] the Chairman of the National Endowment for the Humanities;
- [(5)] (4) the Secretary of the Smithsonian Institution;
- [(6)] (5) the Librarian of Congress;
- [(7)] (6) the Director of the United States Information Agency;
- [(8)] (7) the Archivist of the United States;
- [(9)] (8) one member appointed by the President from time to time from within the Federal Government; and
- [(10)] (9) 10 members appointed by the President from private life.

(c) Each member of the Board of Trustees specified in paragraphs (1) [(through (9) *through* (8) of subsection (b) may designate another official to serve on the Board of Trustees in his stead.

(d) Each member of the Board of Trustees appointed under [paragraph (10)] *paragraph* (9) of subsection (b) shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the trustees first taking office shall begin on the date of the enactment of this Act, and shall expire as designated at the time of appointment, two at the end of two years, three at the end of four years, and three at the end of six years. No trustee of the Board chosen from private life shall be eligible to serve in excess of two consecutive terms, except that a trustee whose term has expired may serve until his successor has qualified.

* * * * *

HIGHER EDUCATION ACT OF 1965

* * * * *

SEC. 514. APPLICATION.

(a) * * *

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

(1) * * *

* * * * *

(4) describe how the National Teacher Academy's activities will be coordinated with or administered cooperatively with institutes established by other Federal entities, such as the National Science Foundation [and the National Endowment for the Humanities]; and

* * * * *

TITLE IX—GRADUATE PROGRAMS

* * * * *

SEC. 932. ALLOCATION OF FELLOWSHIPS.

(a) FELLOWSHIP BOARD.—

(1) * * *

* * * * *

(3) CONSULTATIONS.—In carrying out its responsibilities, the Board shall consult on a regular basis with representatives of the National Science Foundation, [the National Endowment for the Humanities, the National Endowment for the Arts,] and representatives of institutions of higher education and associations of such institution, learned societies, and professional organizations.

* * * * *

SEC. 943. INSTITUTIONAL ELIGIBILITY.

(a) * * *

(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with the National Science Foundation, the National Academy of Sciences, [the National Endowments for the Arts and the Humanities,] and other appropriate Federal and nonprofit agencies and organizations, the Secretary shall designate areas of national need, such as mathematics, biology, physics, chemistry, engineering, geosciences, computer science, or foreign languages and area studies. In making such designations, the Secretary shall take into account the extent to which the interest is compelling and the extent to which other Federal programs support postbaccalaureate study in the area concerned.

* * * * *

SECTION 4 OF THE AMERICAN FOLKLIFE PRESERVATION ACT

ESTABLISHMENT OF CENTER

SEC. 4. (a) There is hereby established in the Library of Congress an American Folklife Center.

(b) The Center shall be under the direction of a Board of Trustees. The Board shall be composed as follows—

(1) * * *

* * * * *

(4) the Secretary of the Smithsonian Institution; *and*

[(5) the Chairman of the National Endowment for the Arts;

[(6) the Chairman of the National Endowment for the Humanities; and

[(7)] (5) the Director of the Center.

In making appointments from private life under clause 2, the President pro tempore of the Senate and the Speaker of the House of Representatives shall give due consideration to the appointment of individuals who collectively will provide appropriate regional balance on the Board. Not more than three of the members appointed by the President pro tempore of the Senate or by the Speaker of the House of Representatives may be affiliated with the same political party.

* * * * *

SECTION 4 OF THE JAPAN-UNITED STATES FRIENDSHIP ACT

THE JAPAN-UNITED STATES FRIENDSHIP COMMISSION

SEC. 4. (a) There is established a commission to be known as the Japan-United States Friendship Commission (hereafter referred to as the "Commission"). The Commission shall be composed of—

(1) the members of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational Cooperation;

(2) two Members of the House of Representatives, to be appointed at the beginning of each Congress or upon the occurrence of a vacancy during a Congress by the Speaker of the House of Representatives; *and*

(3) two Members of the Senate, to be appointed at the beginning of each Congress upon the occurrence of a vacancy during a Congress by the President pro tempore of the Senate[;].

[(4) the Chairman of the National Endowment for the Arts; and

[(5) the Chairman of the National Endowment for the Humanities.]

* * * * *

SECTION 131 OF TITLE 23, UNITED STATES CODE

§ 131. Control of outdoor advertising

(a) * * *

* * * * *

(q)(1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will con-

tinue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections 131(c)(1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, [including the National Endowment for the Arts,] and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

* * * * *

SECTION 7 OF FEDERAL TRIANGLE DEVELOPMENT ACT

SEC. 7. INTERNATIONAL CULTURAL AND TRADE CENTER COMMISSION.

(a) * * *

* * * * *

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members as follows:

(A) * * *

* * * * *

[(I) The Chairman of the National Endowment for the Arts or his delegate.

[(J)] (I) 6 individuals appointed by the President one of whom shall be a resident and registered voter of the District of Columbia and all of whom shall be specially qualified to serve on the Commission by virtue of their education, training, or experience in international trade, commerce, cultural exchange, finance, business, or management of facilities similar to the international cultural and trade center described in section 8.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

* * * * *

LIVABLE CITIES ACT OF 1978

TITLE VIII—LIVABLE CITIES

SHORT TITLE

SEC. 801. This title may be cited as the “Livable Cities Act of 1978”.

* * * * *

DEFINITIONS

SEC. 804. For the purpose of this title—

(1) * * *

* * * * *

(4) the term "Secretary" means the Secretary of Housing and Urban Development; *and*

[(5) the term "Chairman" means the Chairman of the National Endowment for the Arts;

[(6)] (5) the term "Department" means the Department of Housing and Urban Development[; and].

[(7) the term "Endowment" means the National Endowment for the Arts.]

GRANTS TO OR CONTRACTS WITH ORGANIZATIONS

SEC. 805. (a) The Secretary is authorized to make grants to, or enter into contracts with, nonprofit organizations for the purpose of enabling such organizations to undertake or support in cities, urban communities, or neighborhoods, projects which the Secretary[, in consultation with the Chairman,] determines will carry out the purposes of this title and which—

(1) * * *

* * * * *

(3) meet the criteria established [jointly by the Secretary and the Chairman] *by the Secretary* pursuant to this section.

(b) The Secretary [and the Chairman shall establish jointly] *shall establish* criteria and procedures for evaluating and selecting projects to be assisted under this title. Such criteria shall address, but need not be limited to—

(1) artistic, cultural, historical, or design quality;

* * * * *

(c) No assistance shall be made under this title except upon application therefor submitted to the Secretary in accordance with regulations and procedures established [jointly by the Secretary and the Chairman] *by the Secretary*.

(d) Prior to the approval of any application for assistance under this title, the Secretary shall [consult with the Chairman and], in accordance with regulations and procedures established [jointly by the Secretary and the Chairman] *by the Secretary*, seek the recommendations of State and local officials and private citizens who have broad knowledge of, or experience or expertise in, community and economic development and revitalization, and of such officials and citizens who have broad knowledge of, or expertise in, the arts.

(e) The Secretary[, in cooperation with the Chairman,] shall prescribe regulations which require that specific portions of the cost of any projects assisted under this title shall be provided from sources other than funds made available under this title. Such matching requirements may vary depending on the type of applicant, and the Secretary may reduce or waive such requirements solely in order to take account of the financial capacity of the applicant.

* * * * *

SECTION 2301 OF TITLE 44, UNITED STATES CODE

§ 2301. Establishment of Board; membership

The National Archives Trust Fund Board shall consist of the Archivist of the United States, as Chairman, and the Secretary of the Treasury [and the Chairman of the National Endowment for the Humanities]. Membership on the Board is not an office within the meaning of the statutes of the United States.

TITLE 49, UNITED STATES CODE

* * * * *

SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS

* * * * *

CHAPTER 55—INTERMODAL TRANSPORTATION

* * * * *

SUBCHAPTER II—TERMINALS

* * * * *

§ 5562. Assistance projects

(a) * * *

* * * * *

[(c) ACQUIRING SPACE.—The Secretary may acquire space under subsection (a)(3) of this section only after consulting with the Advisory Council on Historic Preservation and the Chairman of the National Endowment for the Arts.]

§ 5563. Conversion of certain rail passenger terminals

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Transportation may provide financial assistance to convert a rail passenger terminal to an intermodal transportation terminal under section 5562(a)(1) of this title only if—

(1) * * *

* * * * *

(4) to the extent practicable, the use of the terminal facilities for transportation may be combined with use of those facilities for other civic and cultural activities, especially when another activity is recommended by—

(A) the Advisory Council on Historic Preservation; *or*

[(B) the Chairman of the National Endowment for the Arts; *or*

[(C)] (B) consultants retained under subsection (b) of this section; and

* * * * *

§ 5564. Interim preservation of certain rail passenger terminals

(a) * * *

* * * * *

(c) MAXIMIZING PRESERVATION OF TERMINALS.—(1) Amounts appropriated to carry out this section and section 5562(a)(2) of this title shall be expended in the way most likely to maximize the preservation of rail passenger terminals that are—

(A) * * *

* * * * *

(C) recommended (on the basis of architectural integrity and quality) by the Advisory Council on Historic Preservation [or the Chairman of the National Endowment for the Arts].

* * * * *

§ 5565. Encouraging the development of plans for converting certain rail passenger terminals

(a) * * *

* * * * *

(c) MAXIMIZING CONVERSION AND CONTINUED PUBLIC USE.—(1) Amounts appropriated to carry out this section and section 5562(a)(4) of this title shall be expended in the way most likely to maximize the conversion and continued public use of rail passenger terminals that are—

(A) listed in the National Register of Historic Places maintained by the Secretary of the Interior; or

(B) recommended (on the basis of architectural integrity and quality) by the Advisory Council on Historic Preservation [or the Chairman of the National Endowment for the Arts].

* * * * *

SECTION 803 OF THE NATIONAL SECURITY EDUCATION ACT OF 1991

TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

SEC. 801. SHORT TITLE, FINDINGS, AND PURPOSES.

(a) SHORT TITLE.—This title may be cited as the “National Security Education Act of 1991”.

* * * * *

SEC. 803. NATIONAL SECURITY EDUCATION BOARD.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a National Security Education Board.

(b) COMPOSITION.—The Board shall be composed of the following individuals or the representatives of such individuals:

(1) * * *

* * * * *

[(7) The Chairperson of the National Endowment for the Humanities.

[(8)] (7) Four individuals appointed by the President, by and with the advice and consent of the Senate, who shall be experts in the fields of international, language, and area studies education.

* * * * *

GOALS 2000: EDUCATE AMERICA ACT

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TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the “Educational Research, Development, Dissemination, and Improvement Act of 1994”.

* * * * *

PART B—NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD

SEC. 921. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) * * *

* * * * *

(j) EX OFFICIO MEMBERS.—The ex officio, nonvoting members of the Board shall include the Assistant Secretary and may also include—

(1) * * *

* * * * *

[(5) the chair of the National Endowment for the Arts;

[(6) the chair of the National Endowment for the Humanities;

[(7)] (5) the Librarian of Congress; and

[(8)] (6) the Director of the Office of Indian Education Programs of the Department of the Interior.

* * * * *

PART C—NATIONAL RESEARCH INSTITUTES

SEC. 931. ESTABLISHMENT WITHIN THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) * * *

* * * * *

(h) NATIONAL INSTITUTE ON POSTSECONDARY EDUCATION, LIBRARIES, AND LIFELONG LEARNING.—

(1) * * *

* * * * *

(3) INVOLVEMENT OF CERTAIN AGENCIES AND ORGANIZATIONS.—In promoting coordination and collaboration on research and development on issues related to postsecondary education, literacy, libraries, and lifelong learning, the Institute shall, as appropriate, seek the involvement—

(A) * * *

* * * * *

[(G) of the National Endowment for the Humanities;

[(H) of the National Endowment for the Arts;

[(I)] (G) of the Bureau of Prisons of the Department of Justice;

[(J)] (H) of the Department of Commerce;

[(K)] (I) of the Department of Defense; and

[(L)] (J) of the Office of Indian Education Programs of the Department of the Interior.

* * * * *

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

* * * * *

TITLE II—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PRO- GRAM

* * * * *

PART A—FEDERAL ACTIVITIES

* * * * *

SEC. 2101. PROGRAM AUTHORIZED.

(a) * * *

(b) REQUIREMENTS.—In carrying out the activities described in subsection (a), the Secretary shall coordinate professional development programs within the Department, particularly with those programs within the Office of Educational Research and Improvement and the Office of Special Education and Rehabilitative Services, and shall consult and coordinate with the National Science Foundation, [the National Endowment for the Humanities, the National Endowment for the Arts,] the Institute of Museum Services, and other appropriate Federal agencies and entities.

* * * * *

PART B—STATE AND LOCAL ACTIVITIES

* * * * *

SEC. 2205. STATE APPLICATIONS.

(a) * * *

* * * * *

(c) **ADDITIONAL MATERIAL.**—Each State application shall include—

(1) a description of how the activities assisted under this part will be coordinated, as appropriate, with—

(A) * * *

* * * * *

(D) funds received from other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and Health and Human Services, [the National Endowment for the Arts,] *and* the Institute of Museum Services[, and the National Endowment for the Humanities]; and

* * * * *

SEC. 2208. LOCAL PLAN AND APPLICATION FOR IMPROVING TEACHING AND LEARNING.

(a) * * *

* * * * *

(d) **PLAN CONTENTS.**—(1) **IN GENERAL.**—Based on the needs assessment required under subsection (b), the local educational agency's plan shall—

(A) * * *

* * * * *

(H) describe how the program funded under this part will be coordinated, as appropriate, with—

(i) * * *

* * * * *

(v) funds or programming from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, *and* the Institute of Museum Services[, the National Endowment for the Humanities, and the National Endowment for the Arts];

* * * * *

SEC. 2209. LOCAL COST-SHARING.

(a) * * *

(b) **AVAILABLE RESOURCES FOR COST-SHARING.**—(1) **IN GENERAL.**—A local educational agency may meet the requirement of subsection (a) through one or more of the following:

(A) * * *

* * * * *

(C) Funds received under one or more of the following programs, so long as such funds are used for professional development activities consistent with this part and the statutes under which such funds were received, and are

used to benefit students and teachers in schools that otherwise would have been served with such funds:

(i) * * *

* * * * *

(vi) Programs that are related to the purposes of this Act that are administered by other Federal agencies, including the National Science Foundation, [the National Endowment for the Humanities, the National Endowment for the Arts,] the Institute of Museum Services, and the Department of Energy.

* * * * *

TITLE III—TECHNOLOGY FOR EDUCATION

SEC. 3101. SHORT TITLE.

This title may be cited as the “Technology for Education Act of 1994”.

PART A—TECHNOLOGY FOR EDUCATION OF ALL STUDENTS

* * * * *

Subpart 1—National Programs for Technology in Education

SEC. 3121. NATIONAL LONG-RANGE TECHNOLOGY PLAN.

(a) * * *

* * * * *

(c) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary’s activities to promote the purposes of this title, including—

(1) * * *

(2) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, [the National Endowment for the Humanities, the National Endowment for the Arts,] the National Institute for Literacy, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

(A) * * *

* * * * *

TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

* * * * *

PART D—ARTS IN EDUCATION

Subpart 1—Arts Education

SEC. 10401. SUPPORT FOR ARTS EDUCATION.

(a) * * *

* * * * *

(d) AUTHORIZED ACTIVITIES.—Funds under this subpart may be used for—

(1) * * *

* * * * *

(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as [the National Endowment for the Arts,] the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art;

* * * * *

(e) COORDINATION.—

(1) * * *

(2) SPECIAL RULE.—In carrying out this subpart, the Secretary shall coordinate with [the National Endowment for the Arts,] the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art.

* * * * *

Subpart 2—Cultural Partnerships for At-Risk Children and Youth

SEC. 10411. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds:

(1) * * *

[(2)] (2) The arts promote progress in academic subjects as shown by research conducted by the National Endowment for the Arts.

[(3)] (2) Children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities, remain in school longer and are more successful than children who do not receive such instruction.

[(4)] (3) Learning in the arts and humanities promotes progress in other academic subjects, and generates positive self-esteem and a greater sense of accomplishment in young people.

[(5)] (4) School-university and school-cultural institution partnerships that upgrade teacher training in the arts and hu-

manities have significantly contributed to improved instruction and achievement levels of school-aged children.

[(6)] (5) Museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to the educational achievement and enhanced interest in learning of at-risk children and youth.

[(7)] (6) The Goals 2000: Educate America Act, other legislation and local, State and national resources support the integration of the arts and humanities into the regular curriculum and school day for all children.

[(8)] (7) While all children benefit from instruction in the arts and the humanities, at-risk children and youth have a special, additional need for arts and cultural programs both in school and after school.

* * * * *

SEC. 10412. PROGRAM AUTHORIZED.

(a) * * *

(b) SPECIAL REQUIREMENTS.—

(1) * * *

(2) PARTNERSHIP.—An interagency partnership comprised of the Secretary of Education[, the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts,] and the Director of the Institute of Museum Services, or their designees, shall establish criteria and procedures for awarding grants, including the establishment of panels to review the applications, and shall administer the grants program authorized by this section. The Secretary shall publish such criteria and procedures in the Federal Register.

* * * * *

(7) MODELS.—The Secretary, in consultation with [the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts and] the Director of the Institute of Museum Services[, or their designees,] shall submit successful models under this title to the National Diffusion Network for review.

* * * * *

SEC. 10414. PAYMENTS; AMOUNTS OF AWARD; COST SHARE; LIMITATIONS.

(a) PAYMENTS.—

(1) * * *

(2) SPECIAL RULE.—(A) Grants awarded under this subpart shall be of sufficient size, scope, and quality to be effective.

(B) The Secretary shall award grants under this subpart so as to ensure nonduplication of services provided by grant recipients and services provided [by—

[(i) the National Endowment for the Humanities;

[(ii) the National Endowment for the Arts; and

[(iii)] by the Institute of Museum Services.

* * * * *

ACT OF OCTOBER 31, 1994

AN ACT To designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes.

* * * * *

TITLE XI—LOWER MISSISSIPPI DELTA REGION INITIATIVES

* * * * *

SEC. 1104. DELTA REGION HERITAGE CORRIDORS AND HERITAGE AND CULTURAL CENTERS.

(a) * * *

(b) IN GENERAL.—The Secretary, in consultation with the States of the Delta Region, [the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities,] the Director of the Smithsonian Institution, the Lower Mississippi Delta Development Center, Historically Black Colleges and Universities, and appropriate African American, Native American and other relevant institutions or organizations in the Delta Region, is further directed to prepare and transmit to the Congress a plan outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Delta Region Native American Heritage Corridor and Heritage and Cultural Center and a Delta Region African American Heritage Corridor and Heritage and Cultural Center with a network of satellite or cooperative units.

* * * * *

TITLE XII—NEW ORLEANS JAZZ NATIONAL HISTORICAL PARK

SEC. 1201. SHORT TITLE.

This title may be cited as the “New Orleans Jazz National Historical Park Act of 1994”.

* * * * *

SEC. 1207. ESTABLISHMENT OF THE NEW ORLEANS JAZZ COMMISSION.

(a) * * *

(b) MEMBERSHIP.—The Commission shall consist of 17 members to be appointed no later than six months after the date of enactment of this title. The Commission shall be appointed by the Secretary as follows:

(1) * * *

* * * * *

(6) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution [and one member from recommendations submitted by the Chairman of the National Endowment of the Arts,] who are recognized musicians

with knowledge and experience in the development of jazz in
New Orleans.

* * * * *

MINORITY VIEWS

In our combined years of service on this committee, we cannot recall a single previous instance when this committee has reported a bill of this magnitude without the benefit of bi-partisan discussion, public hearings, agency input, or community comment. If this signals some new way of doing business in a democracy, return us to the good old days.

This bill completely restructures (and ultimately abolishes) the National Endowments for the Arts and the Humanities ("NEA" and "NEH"). Yet, we would contend that few Members of this committee have any idea how this bill will affect the arts and humanities in districts and in States across the Nation. The majority moved this bill without any such information. The Executive Branch was given no opportunity to publicly comment on the impact this bill would have on the operations of the NEA or the NEH. And, the majority never sought the reaction of the public and arts constituency groups to this legislation. The best that can be said about the majority's treatment of this bill is that it is legislating in the dark.

The last time we enacted major reform of the NEA, the Democratic majority followed a much different course. We conducted nine public hearings in Washington and "in the field." We received testimony from 75 witnesses. Every conceivable point of view was elicited, from those who believed the agency should continue unchanged, to those who sought its termination. We convened a two-day meeting of every major cultural organization to discuss changes that should be made to the NEA. We involved members from both sides of the aisle in these discussions, and we developed a bipartisan bill that made major reforms in the operation of these agencies. Finally, we sought input from the Republican Administration. The result of these efforts was truly a bipartisan bill.

The process that the majority has chosen to follow could not be more different. No one other than the bill's sponsors has had the opportunity to participate in its development. Since the bill was introduced just one week before committee mark-up, and continued to be changed right up to the day of mark up, no one had the chance to analyze it carefully. This stealth and secrecy has resulted in a deeply flawed bill that was reported by the committee with minimal support.

The effects of the rush to produce this bill are symbolized by the weaknesses and fallacies contained in the majority's report. The report fails to make a convincing case for terminating the NEA and the NEH. It is as if the report's authors decided that because such a case could not be made, they had better ignore trying to develop a compelling argument. Thus, justification for this bill relies on inaccuracy and innuendo.

The majority's report is rife with errors. For instance, the report tries to leave the impression that only 27.5% of federal funds go to

States under the existing NEA law. That is simply wrong. Under existing law, 35% of NEA funds go to the States. That distribution of funds to the States represents Republican requests during the 1990 NEA reauthorization process. To criticize current law, as the majority does, is either disingenuous or represents deep misconceptions.

Similarly, the fact that under current law the chair of the NEA does not have the final authority to approve or disapprove application for an NEA grant, is due to the Republicans' desire that the chair not have that authority. During the 1990 reauthorization, Republicans proposed placing this final authority in the hands of the Presidentially-appointed National Council on the Arts. We, the majority at that time, agreed to the Republican suggestion in a successful attempt to reach bi-partisan support for the NEA. To have the NEA now criticized by the new majority for being structured in a way that they themselves suggested is, to put it bluntly, wanting to have the cake and eat it too. Perhaps if hearings had been held on this bill, we could have prevented our majority colleagues from engaging in such flip-flops on their own policies.

Hearings would have also helped clarify what the NEA and NEH have done, and what they have not done. The majority cites examples of NEA and NEH abuses in its report. Notably, most of the items they cite as problems occurred, not under the leadership of the existing NEA and NEH chairs, but under past leaders of the Republican party. In fact, the current leadership of the two agencies has effectively corrected many of the administrative errors of previous leaders. And, most of the items cited as abuses do not reflect on NEA or NEH funding. The majority again wants to legislate by anecdote and innuendo rather than by fact. Perhaps if we had held hearings on this legislation, facts could have been brought to light. Instead, the Committee has reported a bill that conflicts with reality.

Maybe the most unfortunate thing about this flawed legislation is that it totally fails to recognize and acknowledge the positive contributions the NEA and the NEH have made to cultural and scholarly life in our Nation. This bill would eliminate the very grant programs that promote dance, orchestras, theater companies, literature, the folk arts, and arts education. These agencies deserve full reauthorization, not discontinuance.

THE NEA

In reality, the committee reported bill would abolish the NEA as we know it today. Nearly 30 years of progress would go down the drain with the enactment of the committee reported bill, despite the absence of any record supporting the NEA's abolition. In fact, the record supports continuing the agency. The NEA's record of success is abundant. Before the establishment of the NEA in 1965, there were 37 professional dance companies throughout the United States. Today, there are more than 250. In 1965, there were 56 non-profit theaters; today, there are more than 400. In 1965, there were 60 local arts agencies; today, there are more than 3,000. In 1965, there were 27 opera companies; today, there are more than 100. And, finally, in 1965 there were 58 major orchestras; today, there are 230. The NEA has helped increase audiences for a variety

of arts forms over the past 30 years. For example, symphony audiences have increased from 9 million people in 1965 to 26.7 million people last year. Audiences for dance have grown from 1 million to 16 million during that same period, and theater audiences have increased from 5 million to 20 million.

Certainly, the NEA has not been solely responsible for all of these developments, but we certainly think that the NEA has been a major, if not the primary, contributor to this cultural renaissance. This record of progress deserves continued congressional support and encouragement. We are confounded by the decision of the new Republican majority to dismantle the NEA.

THE NEH

A similar 30-year record of achievement has occurred with the NEH. But despite this record, and again without the benefit of any hearings or public comments, the majority has decided to repeal the NEH. Today, the NEH is the largest source of support for humanities scholarship in the nation. The next largest is the Mellon Foundation, which provides \$50 million in humanities grants annually. There is no viable source on the horizon to replace or supplement the humanities support provided by the NEH. The absence of the NEH will have a profound and immediate impact on our citizenry's access to history, government, learning, in essence to knowledge.

The majority believes that a reduced (and eventually repealed) NEH would still provide support for important humanities projects, albeit at the state level. Such a belief underscores a fundamental misunderstanding of what the NEH does. Perhaps with the benefit of hearings or public comments, the majority could have corrected its misunderstanding. Public hearings can educate, particularly those persons who approach issues with closed minds. But because the majority saw fit to hold not a single hearing and chose not to elicit public comment and input, it mistakenly presumes that the States will assume responsibility for the important humanities projects that the NEH funds. What folly! There are many NEH projects that can only be funded at the national level. Ken Burns' "Civil War" Series, his "Baseball" series, and the award winning "Eyes on the Prize," are the types of projects that no single State would support. These endeavors are national in their scope and importance. They need and deserve a *national* endowment for their support.

The same can be said for the preservation of important presidential papers. Would any one State support the preservation of the papers of Presidents Madison, Jefferson, the Adamses, Jackson, Grant, or Eisenhower? We doubt it. These are important national treasures that can only, and rightly should be, supported by a "national" endowment. The majority proposes to obliterate this support.

CONCLUSION

We categorically oppose the committee reported bill. It rejects 30 years of progress and achievement, and does so without any input whatsoever from anyone other than the bill's sponsors. This is not the way that a democratic institution should conduct its business.

We should be willing to offer our ideas and beliefs publicly, and then have them compete in the marketplace of public opinion and scrutiny. The majority, in its rush to repeal the NEA and the NEH, has decided to by-pass this marketplace and report a bill that few have seen and that no one has had the proper opportunity to review. We cannot support this legislative end run around the proper and appropriate way to conduct the people's business.

WILLIAM L. CLAY.
DALE E. KILDEE.
MATTHEW G. MARTINEZ.
TOM SAWYER.
PATSY T. MINK.
JACK REED.
ELIOT L. ENGEL.
ROBERT C. SCOTT.
LYNN WOOLSEY.
MEL REYNOLDS.
GEORGE MILLER.
PAT WILLIAMS.
MAJOR R. OWENS.
DONALD M. PAYNE.
XAVIER BECERRA.
GENE GREEN.
CARLOS ROMERO-BARCELÓ.

